

2004 - Agriculture Senate Pending Rule (Yellow)

ADMINISTRATIVE RULES REVIEW

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Legislative Session 2004

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IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

02.04.03 - RULES GOVERNING ANIMAL INDUSTRY

DOCKET NO. 02-0403-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 25-203, 25-207, 25-305, 25-401, 25-601, and 25-3704, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 3, 2003 Idaho Administrative Bulletin, Volume 03-9, pages 31 through 45.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Dr. Dan Crowell, or John Chatburn, Idaho Department of Agriculture, at (208) 332-8540.

DATED this 3rd day of November, 2003.

Patrick A. Takasugi, Director
Idaho State Department of Agriculture
P.O. Box 790
Boise, Idaho 83701-0790
(208) 332-8500
(208) 334-4062 FAX

IDAPA 02, TITLE 04, CHAPTER 03

RULES GOVERNING ANIMAL INDUSTRY

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-9, September 3, 2003, pages 31 through 45.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

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IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.04.03 - RULES GOVERNING ANIMAL INDUSTRY

DOCKET NO. 02-0403-0301

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is October 1, 2003.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 25-203, 25-207, 25-305, 25-401, 25-601, and [25-3704] 25-3504, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency not later than September 17, 2003.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

IDAPA 02.04.03 is being updated to delete obsolete sections, and reconcile conflicts with other rules and federal regulations. Additionally some deleted sections are being rewritten and published as new rule chapters. IDAPA 02.04.03.070, 160-170, 185, 186, 200, and 201 are being deleted and rewritten as new sections in 02.04.03. IDAPA 02.04.03.065, 145, 205, and 350 are being deleted. IDAPA 02.04.03.060 is being deleted, rewritten, and published as a new chapter IDAPA 02.04.24, "Rules Governing Tuberculosis". IDAPA 02.04.03.155 is being deleted, rewritten, and published as a new chapter IDAPA 02.04.26, "Rules Governing Livestock Marketing".

With the permission of the Office of the Administrative Rules Coordinator the aforementioned Sections, promulgated under IDAPA 02.04.03, are being deleted from this chapter under special circumstance. The deletions are being removed with annotations indicating that the Sections are being deleted from the chapter but are not being reprinted and struck out using the standard legislative format required for amending rules. This is being done to reduce the publication cost to the agency.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(a), (b), and (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: This rule protects the public health, safety, and welfare, complies with deadlines in law, and confers a benefit.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

NEGOTIATED RULEMAKING: Negotiated rulemaking was not conducted because this is an update of current rules to reflect changes in state law and federal regulations.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Dr. Clarence Siroky, DVM, or John Chatburn, Idaho State Department of Agriculture at (208) 332-8540.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 24, 2003.

DATED this 4th day of August, 2003.

Patrick A. Takasugi, Director
Idaho State Department of Agriculture
P.O. Box 790, Boise, Idaho 83701-0790
(208) 332-8500 / (208) 334-4062 FAX

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THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0403-0301

IDAPA 02
TITLE 04
CHAPTER 03

02.04.03 - RULES ~~OF THE DEPARTMENT OF AGRICULTURE~~ GOVERNING ANIMAL INDUSTRY

001. TITLE AND SCOPE.

01. **Title.** The title of this chapter is “Rules ~~of the Department of Agriculture~~ Governing Animal Industry”. ~~(1-10-94)~~(10-1-03)T

02. **Scope.** This chapter has the following scope: These rules shall govern procedures for the prevention, control and eradication of diseases among the animals in the state of Idaho. The official citation of this chapter is IDAPA 02.04.03.000 et.seq. For example, this Section’s citation is IDAPA 02.04.03.001. (1-10-94)

(BREAK IN CONTINUITY OF SECTIONS)

003. ADMINISTRATIVE APPEAL.

~~There is no provision for administrative appeals before the Department of Agriculture under this chapter~~ Persons may be entitled to appeal agency actions authorized under theses rules pursuant to Title 67, Chapter 52, Idaho Code. ~~(1-10-94)~~(10-1-03)T

004. INCORPORATION BY REFERENCE.

01. **Incorporated Documents.** IDAPA 02.04.03 incorporates by reference the following documents: (5-3-03)

a. The USDA Pseudorabies Eradication State-Federal-Industry Program Standards, January 1, 1993. (5-3-03)

b. National Poultry Improvement Plan Dated, March 2002. (5-3-03)

c. Title 9, Parts 145, 147, and 161, CFR, January 1, 2002~~3~~. ~~(5-3-03)~~(10-1-03)T

d. Official Idaho Protocol for Culture of Trichomoniasis, August 1, 2002. (5-3-03)

e. The Compendium of Animal Rabies Prevention and Control, 2003. (10-1-03)T

f. Office Of International Epizootics, Disease Lists “A” And “B”, 2003. (10-1-03)T

02. **Availability Of Document.** Copies of these documents may be obtained from the Idaho State Department of Agriculture ~~and the State Law Library.~~ ~~(5-3-03)~~(10-1-03)T

(BREAK IN CONTINUITY OF SECTIONS)

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006. ADDRESS, OFFICE HOURS, TELEPHONE, AND FAX NUMBERS.

01. Physical Address. The central office of the Idaho State Department of Agriculture is located at 2270 Old Penitentiary Road, Boise, Idaho 83712-0790. (2-28-02)

02. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (2-28-02)

03. Mailing Address. The mailing address for the Division of Animal Industries at the central office is Idaho State Department of Agriculture, P.O. Box 790, Boise, Idaho 83701. ~~(2-28-02)~~(10-1-03)T

04. Telephone Number. The telephone number of the Division of Animal Industries at the central office is (208) 332-85040. ~~(2-28-02)~~(10-1-03)T

05. Fax Number. The fax number of the Division of Animal Industries at the central office is (208) 334-2174062. ~~(2-28-02)~~(10-1-03)T

007. -- 009. (RESERVED).

010. DEFINITIONS.

As used in these rules the following terms have the following meanings: (5-3-03)

01. Accredited Veterinarian. A veterinarian approved by the Administrator and USDA/APHIS/VS, in accordance with the provisions of Title 9, Part 161, Code of Federal Regulations, to perform functions of State-Federal animal disease control programs. (5-3-03)

02. Administrator. The administrator of the Division of Animal Industries, Idaho State Department of Agriculture or his designee. (5-3-03)

03. ~~Bureau. Bureau of Animal Industry, Department of Agriculture~~ Animal. Any vertebrate member of the animal kingdom, except man. ~~(9-6-61)~~(10-1-03)T

04. ~~Commissioner. Commissioner of Agriculture of the state of Idaho~~ Approved Pseudorabies Vaccine. Any pseudorabies vaccine produced under current USDA license and intended for immunizing swine against pseudorabies. ~~(9-6-61)~~(10-1-03)T

05. Cachexia. Weakness and emaciation caused by a serious disease such as tuberculosis or cancer. (10-1-03)T

056. Department. The Idaho State Department of Agriculture. (5-3-03)

067. Director. Director of the Idaho State Department of Agriculture or his designee. (9-6-61)

078. Division Of Animal Industries. Idaho State Department of Agriculture, Division of Animal Industries. (5-3-03)

09. ~~Federal Inspector. Any inspector of the United States Agriculture Research Service, United States Department of Agriculture.~~ Epithelioma. Cancer or tumor. ~~(9-6-61)~~(10-1-03)T

10. ~~Federal Supervision. Under the supervision of an inspector of the United states Agriculture Research Service.~~ Equidae. Horses, mules, and asses. ~~(9-6-61)~~(10-1-03)T

11. ~~Free Area. The counties, areas or districts not quarantined by the Division of Animal Industries for the specific contagious, infectious, or communicable animal diseases.~~ Exposed Livestock. Any livestock that have been in contact with an animal infected with, or affected by, any contagious, infectious or communicable disease, including all livestock in a known infected herd. ~~(5-3-03)~~(10-1-03)T

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- ~~0812.~~ **Federal Animal Health Official.** An employee of USDA/APHIS/VS who is authorized to perform animal health activities. (10-1-03)T
- ~~123.~~ **Gamebirds.** Domesticated gallinaceous fowl such as pheasants, partridge, quail, grouse, and guineas. (5-3-03)
- 14.** **Garbage.** Putrescible animal and vegetable waste containing animal parts resulting from the handling, preparation, processing, cooking or consumption of foods. (10-1-03)T
- ~~135.~~ **Hatching Eggs.** Fertilized eggs. (5-3-03)
- 16.** **Herd.** A herd is any group of livestock maintained on common ground for any purpose, or two (2) or more groups of livestock under common ownership or supervision, geographically separated, but which have an interchange or movement of animals without regard to whether the animals are infected with or exposed to contagious, infectious, or communicable animal diseases. (10-1-03)T
- 17.** **Infected Livestock.** Any livestock determined to be infected with a contagious infectious, of communicable disease by an official test or diagnostic procedure, or diagnosed by a veterinarian as infected. (10-1-03)T
- 148.** **Interstate Movement.** Movements of livestock and poultry from Idaho into any other state, territory or the District of Columbia or from any other state, territory or the District of Columbia into ~~this state~~ Idaho. ~~(5-3-03)~~(10-1-03)T
- 159.** **Intrastate Movement.** Movement of ~~livestock and poultry from any county, area or district, quarantined or otherwise, to another county, area or district, quarantined or otherwise,~~ any animal from one location to another location within ~~the state~~ Idaho. ~~(5-3-03)~~(10-1-03)T
- 20.** **Known Infected Herd.** Any herd in which any livestock has been determined to be infected with contagious, infectious, or communicable diseases by an official test or diagnostic procedure, or diagnosed by a veterinarian as being infected. (10-1-03)T
- 21.** **Livestock.** Swine, cattle, sheep, goats, equidae, domestic bison, domestic cervidae, camilids, ratites, captive antilocapridae and other domestically raised animals. (10-1-03)T
- 22.** **Necrosis.** Death of tissue. (10-1-03)T
- 23.** **Negative.** An animal that has been tested with official test procedures and is found to be negative. (10-1-03)T
- 24.** **Neoplastic Tissue.** New growth or tissue associated with a tumor. (10-1-03)T
- 25.** **Official Pseudorabies Test.** Any test for the diagnosis of pseudorabies that has been approved by USDA/APHIS and is conducted by a state/federal approved laboratory. (10-1-03)T
- 26.** **Orbital Region.** The bony cavity containing the eye and surrounding bones. (10-1-03)T
- 27.** **Positive.** An animal that has been tested and found positive with official disease test procedures and is considered infected with any contagious, infectious, or communicable disease. (10-1-03)T
- ~~1428.~~ **Poultry.** Domesticated fowl, including chickens, turkeys, waterfowl, and gamebirds. (5-3-03)
- 29.** **Pseudorabies.** The contagious, infectious, and communicable disease of livestock and other animals also known as Aujeszky's disease, mad itch or infectious paralysis. (10-1-03)T
- 30.** **Quarantine.** A written order, or a verbal order followed by a written order, executed by the Administrator, to confine or hold animals on a premise or any other location, and to prevent movement of animals

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from a premise or any other location when the Administrator has determined that the animals have been found or are suspected to be exposed to or infected with any contagious, infectious, or communicable disease, or the animals are not in compliance with the provisions of this chapter. (10-1-03)T

~~1831.~~ **Quarantined Area.** The counties, areas, or districts, portions thereof, quarantined by the Division of Animal Industries for specific contagious, infectious, or communicable animal diseases. (5-3-03)

~~1932.~~ **Quarantined.** Isolation of all animals diseased or exposed thereto, from contact with healthy animals and exclusion of such healthy animals from enclosures or grounds where said diseased or exposed animals are, or have been kept. (9-6-61)

~~2033.~~ **Ratites.** Large, non-flying birds including, but not limited to ostriches, emus, cassowaries, and rheas. (~~5-3-03~~)(10-1-03)T

~~2134.~~ **Registered Veterinarians.** Veterinarians registered with, and approved by, the Division of Animal Industries to collect Trichomoniasis samples for official Trichomoniasis culture testing. (5-3-03)

~~35.~~ **Restrain.** The confinement of livestock, or other animals, in a chute, or other device, for the purpose of efficiently, effectively, and safely inspecting, treating, vaccinating, or testing, as approved by the Administrator. (10-1-03)T

~~2236.~~ **State Animal Health Official.** The Administrator, or his designee, responsible for disease control and eradication activities. (5-3-03)

~~23.~~ ~~**State Inspector.** A deputy veterinarian or livestock investigator of the Division of Animal Industries.~~ (~~5-3-03~~)

~~24.~~ ~~**State Supervisors.** Under the supervision of a veterinarian or livestock inspector of the Bureau of Animal Industry of the state of Idaho.~~ (~~9-6-61~~)

~~137.~~ ~~**Public Stockyards.** Stockyards~~ A facility where trading in livestock is carried on, where yarding, feeding and watering places are provided by the stockyards or transportation companies, or where livestock associations or similar companies maintain corrals for feeding, shearing, dipping and separating animals. (~~5-3-03~~)(10-1-03)T

~~38.~~ **Suppuration.** The formation of pus. (10-1-03)T

~~39.~~ **Suspect.** An animal that has a response to an official test, but the response is not sufficient to determine the disease status of the animal tested. (10-1-03)T

~~40.~~ **Swine.** All breeds of domestic porcine and all wild and exotic porcine. (10-1-03)T

~~41.~~ **Swine Feedlot.** Premises designed and used exclusively for the finish feeding of swine, from which the swine will be moved directly to slaughter. (10-1-03)T

~~2542.~~ **Waterfowl.** Domesticated fowl that normally swim such as ducks and geese. (5-3-03)

~~2643.~~ **Wildfowl.** Wild gallinaceous fowl, turkeys, and waterfowl. (5-3-03)

011. ABBREVIATIONS.

~~01.~~ **APHIS.** Animal Plant Health Inspection Service. (5-3-03)

~~02.~~ ~~**AVIC.** Area Veterinarian in Charge.~~ (~~5-3-03~~)

~~032.~~ **CFR.** Code of Federal Regulations. (5-3-03)

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livestock exposed to, or affected by, any contagious, infectious or communicable disease, shall not be moved for any purpose unless the Administrator has approved the movement in writing, prior to the movement occurring.

(10-1-03)T

04. Yards And Other Premises. Yards and other premises which have contained cattle, swine or other livestock exposed to, or affected by, any contagious, infectious or communicable disease shall not be used in connection with the movement of healthy animals until the said yards and premises have been cleaned and disinfected, under state or federal supervision, as directed by the Administrator.

(10-1-03)T

05. Disinfectants. Only disinfectants approved by USDA or the Administrator shall be used.

(10-1-03)T

021. -- 024. (RESERVED).

025. TRANSIT INSPECTION.

When deemed necessary, movements of livestock animals will be stopped in transit for inspection. ~~If found the animals are suspected of being infected with or exposed to any contagious, infectious or communicable disease, all persons and corporations having control of the transportation or movement of such livestock the animals shall cease the movement of the animals upon receipt of an order from state or federal inspector, and animals shall thereafter be handled in accordance with these rules~~ animal health officials.

(9-6-61)(10-1-03)T

026. -- 029. (RESERVED).

030. SLAUGHTERING OF DISEASED ANIMALS.

01. Authorized By Law. When, in order to prevent the spread of contagious, infectious or communicable disease, it becomes necessary to slaughter any diseased or exposed livestock, the purchase of such livestock by the state is authorized by law, and an appropriation is available therefor, the value of the livestock shall be ascertained and compensation made therefor in accordance with the rules hereinafter provided.

(9-6-61)

02. Not Authorized By Law. When, in order to prevent the spread of or to eradicate any contagious, infectious or communicable disease among any animals of this state, it becomes necessary to slaughter or destroy any diseased or exposed animals, and the purchase of such animals by the state is not authorized, and an appropriation not available therefore, the said animals shall be slaughtered under federal meat inspections rules and regulations, or destroyed and disposed of in accordance with ~~Subsection 050.02~~ IDAPA 02.04.17, "Rules Governing Dead Animal Movement and Disposal".

(9-6-61)(10-1-03)T

~~**031. -- 034. (RESERVED).**~~

~~**035. MOVEMENT IN/FROM QUARANTINED AREAS.**~~

~~No animal or livestock shall be shipped, trailed, driven or hauled in private conveyance from quarantined areas in any county or district to free area in any other county or district and subsequently delivered to a transportation company for shipment to any other county or district without complying with all state rules pertaining to such movements.~~

(9-6-61)

~~**0361. -- 039. (RESERVED).**~~

040. INSPECTION OF ANIMALS.

When animals are being inspected ~~and certified to~~ by a state or federal ~~inspector~~ animal health official, proper facilities for restraining ~~them~~ the animals, and assistance shall be provided by the owner in order that a careful inspection may be made, and ~~the inspector while making the inspection~~ state and federal animal health officials shall not be interfered with in any manner.

(9-6-61)(10-1-03)T

041. -- 044. (RESERVED).

045. HEALTH CERTIFICATES OF VETERINARY INSPECTION.

A copy of certificates issued by an accredited veterinarian, or a state or federal ~~inspector~~ animal health official

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covering the movement of livestock shall ~~in all cases~~ accompany the livestock to destination, and ~~a copy of same mailed to the BUREAU OF ANIMAL INDUSTRY, (P.O. Box 790) Boise, Idaho. Where certificates covering the movement of livestock are provided for in these rules, the certificates shall become the property of the transportation company and shall be filed with the billing for future reference~~ shall be provided to the receiver of the livestock by the person who delivers the livestock. ~~(9-6-61)~~(10-1-03)T

01. Copies. Legible copies of certificates of veterinary inspection shall be submitted to the Division of Animal Industries. (10-1-03)T

02. Idaho Certificates. Accredited veterinarians in Idaho shall submit legible copies of all certificates that they issue to the Division of Animal Industries within five (5) business days of issuance. (10-1-03)T

(OLD SECTIONS 046 THROUGH 149 HAVE BEEN DELETED)

046. -- 049. (RESERVED).

050. STATE AND FEDERAL SEALS.

No person shall break, or in any way tamper with, a seal or other device applied to premises or conveyances by state or federal animal health officials, except: (10-1-03)T

01. State Or Federal Animal Health Officials; or (10-1-03)T

02. Persons Designated By The Administrator. (10-1-03)T

051. NOTIFICATION OF BROKEN SEALS.

Any person who discovers a state or federal seal that has been broken, tampered with, or is missing shall immediately notify the Administrator. (10-1-03)T

052. OFFICIAL LIVESTOCK IDENTIFICATION.

No person, except persons authorized by the Administrator, shall remove or tamper with any official state or federal livestock identification, including but not limited to: (10-1-03)T

01. Official Vaccination Tags. (10-1-03)T

02. Official Identification Tags. (10-1-03)T

03. Trichomoniasis Tags. (10-1-03)T

04. Identification Tattoos. (10-1-03)T

053. -- 149. (RESERVED).

150. ARTIFICIAL INSEMINATION.

01. License Application. Any person desiring to practice artificial insemination of domestic animals shall file an application for a license on an application form furnished by the ~~bureau of animal industry~~ Administrator, and such application shall be accompanied by a license fee of twenty-five (\$25) dollars. ~~(9-6-61)~~(10-1-03)T

02. Training. Each applicant shall be required to take a course of training in artificial insemination at the place and time designated by the ~~members of the artificial insemination board~~ Administrator. ~~(9-6-61)~~(10-1-03)T

03. Examination. Each applicant shall be examined in writing and in the arts and skill of artificial insemination. (9-6-61)

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04. Passing Examination. No applicant shall be granted a license to practice artificial insemination who shall fail to answer correctly seventy-five percent (75%) of all questions asked. ~~(9-6-61)~~(10-1-03)T

05. Temporary License. Temporary license to practice artificial insemination under the direct supervision of a licensed inseminator or veterinarian may be granted by the ~~members of the artificial insemination board~~ administrator, until such time as the next insemination course and examination is given. ~~(9-6-61)~~(10-1-03)T

06. License Expiration. Licenses expire on the 30th day of June of each year, and all persons holding a license are entitled to renew and shall renew their license on or before the 1st day of July of each year. (9-6-61)

07. License Renewal. Each license holder shall make application for renewal of license to the ~~bureau of animal industry~~ Administrator, and the application shall be accompanied by a renewal license fee of five dollars (\$5). ~~(9-6-61)~~(10-1-03)T

08. Renewal Delinquency. Any license holder who does not renew his license by the 1st day of October following the date of delinquency shall have his license canceled. (9-6-61)

09. Issuance Denial. The ~~bureau~~ Administrator may refuse to issue or renew a license ~~for cause~~ pursuant to Section 25-810, Idaho Code. ~~(9-6-61)~~(10-1-03)T

~~151. -- 154. (RESERVED).~~

~~155. STATE -- FEDERAL SALES YARD.~~

~~**01. Inspection.** No cattle shall be released from a state federal approved sales yard unless a clinical inspection has been made by the inspector assigned to the yard and a release is furnished the owner, showing that the animals meet the health requirements for movement to the point of destination. (9-6-61)~~

~~**02. Requirement Compliance.** A quarantine pen or pens shall be provided at all sales yards, and the pen or pens shall be so marked, such pens to be used to hold only animals that have reacted to the brucellosis or tuberculosis test or animals suspected of being affected with a contagious or infectious disease and the pens shall comply with the following requirements: (9-6-61)~~

- ~~a. Hard surfaced with concrete or similar impervious material in good repair. (9-6-61)~~
- ~~b. Provided with separate feed and water facilities. (9-6-61)~~
- ~~c. Identified with the word "QUARANTINE" painted in red letters not less than four (4) inches high on the gate. (9-6-61)~~
- ~~d. Cleaned and disinfected not later than the day following date of sale. (9-6-61)~~
- ~~e. Tight board fence five and one-half (5 1/2) feet high. (9-6-61)~~
- ~~f. Drainage shall not be into adjoining pens or alleys. (9-6-61)~~

~~**03. Sanitary Condition.** All pens, alleys, troughs, and run ways shall be kept in a sanitary condition and shall be cleaned and disinfected under the supervision of a state or federal inspector whenever requested by a representative of the bureau. (9-6-61)~~

~~156. -- 159. (RESERVED).~~

(OLD SECTIONS 160 THROUGH 186 HAVE BEEN DELETED)

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160. CANCER EYE - EPITHELIOMA.

Any animal offered for sale and found to be affected with epithelioma of the eye or of the orbital region in which the eye has been destroyed or obscured by neoplastic tissue and which shows extensive infection, suppuration and necrosis, usually accompanied with foul odor, or any animal affected with epithelioma of the eye or the orbital region which, regardless of extent, is accompanied with cachexia shall not be sold for slaughter for human consumption. All such animals shall be humanely euthanized, or disposed of for immediate slaughter directly to: (10-1-03)T

01. Animal Rendering Plants: or (10-1-03)T

02. Fur Farms. Fur or mink farm or other establishment as approved by the Administrator. (10-1-03)T

161. EPITHELIOMA - PUBLIC LIVESTOCK MARKETS.

Any animal entering a public livestock market that is affected as described in Section 160, shall be held only in the quarantine pen and sold only there from. (10-1-03)T

162. -- 174. (RESERVED).

175. RABIES.

In order to prevent the introduction or dissemination of rabies among the animals of the state, the Administrator is authorized to develop and implement a plan for rabies control in any portion of this state. (10-1-03)T

01. Reporting. It is hereby made the duty of all persons practicing veterinary medicine in this state, or owners or persons in charge of animals, to report to the Administrator, by telephone, facsimile, or electronic mail, all cases of rabies within forty-eight (48) hours. (10-1-03)T

02. Discharging Authority. State and federal animal health officials are authorized and empowered to: (10-1-03)T

a. Inspect, quarantine, treat, condemn, slaughter and dispose of any animals affected or infected with or exposed to rabies. (10-1-03)T

b. Quarantine, clean and disinfect all premises where such animals have been kept. (10-1-03)T

c. Call upon sheriffs, constables and other peace officers to assist them in the discharge of their duties. (10-1-03)T

176. -- 179. (RESERVED).

180. BIOLOGICALS.

Veterinary serums, vaccines, recombinant vaccines, bacterins, biologic remedies, diagnostic agents, immunoassay agents and diagnostic probes used in the treatment or diagnosis of disease of livestock, poultry, domestic animals, fish or fur bearing animals shall not be imported into or sold, distributed, or used within the state of Idaho unless such serum, vaccines, recombinant vaccines, bacterins, biologic remedies, diagnostic agents, immunoassay agents and diagnostic probes have been produced under a license by the United States Department of Agriculture and the manufacturers shall have a permit issued by the Idaho Department of Agriculture, Division of Animal Industries. (10-1-03)T

181. -- 189. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

(OLD SECTIONS 200 THROUGH 219 HAVE BEEN DELETED)

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200. EQUIDAE - EQUINE INFECTIOUS ANEMIA.

Official tests for EIA shall include the AGID test, the C-ELISA test, and other EIA tests approved by USDA or the Administrator. (10-1-03)T

01. Blood Samples. Equine blood samples collected for official EIA tests shall be collected by a state or federal animal health official or an accredited veterinarian who is licensed in the state in which the animal being tested is located. (10-1-03)T

02. Official Samples. Official EIA test samples shall be accompanied to the testing laboratory by an official EIA test report on which is recorded the name and address of the owner or person in charge of the animal, the breed, sex, age and identification of the animal being tested. Identification shall include identifying tattoos, brands, color and distinctive markings. The accredited veterinarian or animal health official collecting the EIA test samples shall record the date the samples were collected and affix his signature to the official EIA test report. (10-1-03)T

03. Official Tests. Official EIA tests shall be conducted in a laboratory approved by USDA or the state of Idaho to conduct EIA tests. (10-1-03)T

201. EIA IS A REPORTABLE DISEASE.

All laboratories conducting EIA tests on Idaho origin equidae and all veterinarians who diagnose EIA in Idaho equidae shall report positive results of all EIA tests and diagnoses to the Administrator of Animal Industries within twenty-four (24) hours of such test or diagnosis. Negative test results shall be reported within forty-eight (48) hours. (10-1-03)T

202. EIA INFECTED ANIMALS.

Any equidae which are positive to an official EIA test shall be declared to be infected with EIA and shall be designated as an EIA reactor. The Administrator may require or recommend a re-test of EIA reactors in order to confirm infection or identification of the animal. In cases where a confirmatory test is conducted, the final determination of infection will be delayed until the results of the confirmatory test are available. The animal on which a confirmatory test is to be conducted shall be placed under an official Hold Order until the results of the confirmatory test are available. (10-1-03)T

203. DISPOSITION OF EIA REACTORS.

Equidae found to be infected with EIA shall be: (10-1-03)T

01. Quarantined. Quarantined to the premise where the animal was found to be infected, the owner's premise, or another premise that is approved by the Administrator. (10-1-03)T

02. Duration of Quarantine. The infected animal shall remain under quarantine until it is: (10-1-03)T

a. Consigned to slaughter at a USDA approved equine slaughter establishment; or (10-1-03)T

b. Euthanized and buried or incinerated; or (10-1-03)T

c. Donated to a university or other research facility for use in EIA research projects. (10-1-03)T

204. ISOLATION OF EIA REACTORS.

The quarantine premises or area for EIA reactors shall provide no less than two-hundred (200) yards separation from all other equidae. The quarantine area and quarantined animals therein may be monitored periodically by state or federal animal health officials to ensure that provisions of the quarantine are being met. (10-1-03)T

205. IDENTIFICATION OF EIA REACTORS.

All equidae found to be infected with EIA shall be identified with an "82 A" brand on the left neck or left shoulder of the animal. Identification as an EIA reactor shall be accomplished within fifteen (15) days of notification that the animal is infected with EIA. The "82 A" brand shall be at least two (2) inches high and may be either a hot iron brand or a freeze brand. (10-1-03)T

206. EXPOSED EQUIDAE.

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EIA exposed equidae may include all equidae that are held within two-hundred (200) yards of the location where an EIA reactor is or was maintained. (10-1-03)T

01. Hold Order. Exposed equidae shall be placed under a Hold Order until the animals have been tested negative to EIA at least sixty (60) days after the last reactor animal has been removed from the premises. (10-1-03)T

02. Movement Of Exposed Equids. Individual exposed equids, which have not had a negative sixty (60) day test, may be allowed to move under Hold Order for specific purposes if they have a negative EIA test prior to movement. Such movement shall not be for longer than fifteen (15) days. (10-1-03)T

207. EXTENDED VALIDITY EQUINE CERTIFICATES.

Provided there is a written agreement between the Administrator and the chief livestock sanitary official of the state of destination, Idaho origin equidae may be moved from Idaho for shows, rides or other equine events and return to Idaho on an extended validity equine certificate under a state system of equine certification acceptable to the Administrator and the state of destination. The Administrator may authorize the movement of equidae into or out of Idaho on extended validity equine certificates under the following conditions: (10-1-03)T

01. Purpose Of Certificate. The movement involves short term travel to or from the state of Idaho for participation in equine activities, including but not limited to, participation in equine events, shows, rodeos, ropings, trail rides and search and rescue activities. (10-1-03)T

02. Limitations Of Certificate. The movement does not involve the sale or change of ownership of the equid, animal breeding activities or movements that involve stays of longer than ninety (90) days. Movements for these purposes shall be accompanied by a certificate of veterinary inspection. (10-1-03)T

03. Completion, Reporting, And Approval Of Certificate. The extended validity equine certificate is properly completed, the required tests and certifications are recorded on the certificate and a copy of the completed certificate is submitted to and approved by the Administrator. (10-1-03)T

04. Certificate Validity. Extended validity equine certificates shall be valid for no longer than six (6) months from the date the EIA sample is collected, if an EIA test is required, or six (6) months from the date of inspection if no EIA test is required. (10-1-03)T

05. Reporting Itinerary. The recipients of extended validity equine certificates shall be required to submit a travel itinerary for the equidae to the Administrator within ten (10) working days following the date of expiration of the certificate. The travel itinerary shall include a listing of all travel, including dates, purpose and destinations of travel that the equid has made out of the state of Idaho during the validity of the certificate. (10-1-03)T

06. Cancellation Of Certificate. The Administrator may cancel any extended validity equine certificate in the event of serious or emergency disease situations or for the certificate holders' failure to comply with the rules that apply to such certificates. Cancellation of the certificates may be accomplished by written or verbal notice to certificate holders. Verbal notice shall be confirmed by written notice. The canceled certificate will become invalid on the date and at the time of initial notification. (10-1-03)T

207. -- 219. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

234. INFECTIONS WITH OTHER TYPES OF TRICHOMONADS.

Bulls that have had a positive culture result for trichomoniasis testing may be further evaluated to determine if the organism is *Trichomonas foetus* or another species of trichomonad. Bulls having initially-positive trichomoniasis culture results will not be considered positive for trichomoniasis under the provisions of this rule if they meet the

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following criteria:

(10-1-03)T

01. Bona Fide Virgin Bull. The bull is a virgin bull under twenty-four (24) months of age and has never serviced a cow; and (10-1-03)T

02. Trichomonad Organisms Identified. The culture media containing the organisms that have been collected from the bull is forwarded to a laboratory that has the ability to identify the different species of trichomonad organisms and the laboratory is able to identify and report the species of trichomonad organisms present in the culture; and (10-1-03)T

03. Tritrichomonas foetus Not Present. None of the trichomonad organisms in the submitted culture are identified as *Tritrichomonas foetus*. (10-1-03)T

~~234~~5. -- 349. (RESERVED).

(OLD SECTION 350 HAS BEEN DELETED)

350. FOREIGN ANIMAL AND REPORTABLE DISEASES.

It is hereby made the duty of all persons in this state to report to the Administrator immediately, by telephone, facsimile, or electronic mail any lesions or symptoms resembling foot and mouth disease, or any other diseases exotic to Idaho, that they may find existing among the animals in the state, including: (10-1-03)T

01. OIE List A Diseases. (10-1-03)T

02. OIE List B Diseases. (10-1-03)T

03. Chronic Wasting Disease. (10-1-03)T

04. Pseudorabies. (10-1-03)T

351. -- ~~353~~59. (RESERVED).

360. ACTINOMYCOSIS AND ACTINOBACILLOSIS, LUMP JAW.

01. Selling Diseased Animal. It shall be unlawful for any person to knowingly sell, offer for sale, or in any manner transfer ownership to another person any animal infected or affected with the disease known as actinomycosis and actinobacillosis, lump jaw, if the disease shows well-marked clinical symptoms, or is in the advanced stage, except for immediate slaughter, and then only in accordance with the meat inspection rules and regulations of the USDA. (10-1-03)T

02. Public Livestock Markets. Animals showing well marked clinical symptoms or in the advanced stage of actinomycosis and actinobacillosis, lump jaw, passing through public livestock markets shall be placed in quarantine pens and sold therefrom. (10-1-03)T

361. -- 399. (RESERVED).

400. GARBAGE FEEDING.

No person shall feed garbage to swine. (10-1-03)T

01. Household Wastes. Private household wastes not removed from the premises where produced shall not be considered garbage. (10-1-03)T

02. Inspection And Investigation. The Administrator is authorized to enter upon any private or public property for the purpose of inspecting and investigating conditions relating to the feeding of garbage to swine. (10-1-03)T

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401. PSEUDORABIES - PROCEDURES FOR CONTROL AND ERADICATION.

01. Laboratories. Blood, serum, tissues, or other samples are to be tested only by state/federal-approved laboratories. (10-1-03)T

02. Supervision. State or federal veterinarians shall supervise pseudorabies control and eradication efforts. (10-1-03)T

03. Quarantines. Any herd in which any livestock has been determined to be infected with pseudorabies by an official pseudorabies test or diagnosed by a veterinarian as having pseudorabies shall be placed under official state quarantine for pseudorabies. (10-1-03)T

a. All swine on pseudorabies-infected premises shall be sold for slaughter under permit within fifteen (15) days of diagnosis. (10-1-03)T

b. Livestock, other than swine, on pseudorabies infected premises shall be confined to the premises for a period of ten (10) days after the swine herd is sold for slaughter. Livestock, other than swine can, under permit, be moved to a separate holding area and be released from quarantine after a period of ten (10) days, if no signs of pseudorabies occur in the animals. (10-1-03)T

402. PSEUDORABIES VACCINE.

No person shall import into Idaho, possess, use, keep, buy, sell, offer for sale, barter, exchange, give away, or otherwise dispose of any pseudorabies vaccine without written permission from the Administrator. (10-1-03)T

403. VACCINATED SWINE.

No person shall import into Idaho any swine that have been vaccinated for Pseudorabies. (10-1-03)T

404. -- 419. (RESERVED).

420. ERADICATION METHODS.

The elimination of pseudorabies from a herd shall be accomplished in accordance with the USDA Program Standards for pseudorabies. (10-1-03)T

421. -- 429. (RESERVED).

430. IDENTIFICATION OF INFECTED SWINE.

All seropositive and infected swine are to be individually identified by placing an ear tag in the left ear of the animal. The reactor tag number shall be recorded on movement documents. Identification shall be accomplished within five (5) days of the date the animals were reported as positive or infected. (10-1-03)T

431. IDENTIFICATION OF EXPOSED SWINE.

All exposed swine that are removed from the premises of origin shall be individually identified by placing a swine identification tag in the right ear of the animal. The identification number shall be recorded on movement documents. Individual identification may be waived for swine moving directly to slaughter, on a permit, in a sealed vehicle. (10-1-03)T

432. -- 449. (RESERVED).

450. QUALIFIED PSEUDORABIES-NEGATIVE HERDS.

The qualifying method and development of a pseudorabies-negative herd shall be accomplished in accordance with the USDA Program Standards for pseudorabies. (10-1-03)T

451. -- 459. (RESERVED).

460. CLEANING AND DISINFECTION.

All pens, wherein swine are held prior to or after their sale, shall be thoroughly cleaned and disinfected within

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seventy-two (72) hours following completion of the sale or before the next sale, whichever occurs first. (10-1-03)T

461. -- 989. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

991. -- 9998. (RESERVED).

999. MINOR VIOLATIONS.

Nothing in this chapter shall be construed as requiring the Administrator to report minor violations when the Administrator believes that the public interest will be best served by suitable warnings or other administrative action. (10-1-03)T

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IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.04.21 - RULES GOVERNING THE IMPORTATION OF ANIMALS

DOCKET NO. 02-0421-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 25-203, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the June 4, 2003 Idaho Administrative Bulletin, Volume 03-6, pages 33 through 35.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dr. Dan Crowell, DVM, or John Chatburn, Idaho Department of Agriculture, at (208) 332-8540..

DATED this 29th day of July, 2003.

Patrick A. Takasugi, Director
Idaho State Department of Agriculture
P.O. Box 790
Boise, Idaho 83701-0790
(208) 332-8500
(208) 334-4062 FAX

IDAPA 02, TITLE 04, CHAPTER 21

RULES GOVERNING THE IMPORTATION OF ANIMALS

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-6, June 4, 2003, pages 33 through 35.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

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IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

02.04.21 - RULES GOVERNING THE IMPORTATION OF ANIMALS

DOCKET NO. 02-0421-0301

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rules is April 15, 2003.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 25-203, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency not later than June 18, 2003.

Hearing sites will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This temporary and proposed rule amends IDAPA 02.04.21.220 and 240 by clarifying that T.B. tests may be required for grazing permits, that the ownership of herds moved under grazing permits may not change while the permit is in force, and the identification and T.B. testing requirements for feeder cattle.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reason:

The rule confers a benefit.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

NEGOTIATED RULEMAKING: Negotiated rulemaking was not conducted because of the necessity to have this rule in place for the spring grazing season.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Dr. Dan Crowell, DVM, or John Chatburn, Idaho Department of Agriculture, at (208) 332-8540.

Anyone may submit written comments regarding this temporary and proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 25, 2003.

DATED this 14th day of April, 2003.

Patrick A. Takasugi, Director
Idaho State Department of Agriculture
P.O. Box 790
Boise, Idaho 83701-0790
(208) 332-8500
(208) 334-4062 FAX

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THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0421-0301

220. GRAZING CATTLE.

~~Grazing~~ Cattle herds moved into Idaho or from Idaho to other western states for seasonal grazing periods shall be moved only under special grazing permits issued jointly by the Division of Animal Industries and the chief livestock sanitary official in a western state which reciprocates with Idaho in honoring grazing permits. (4-15-03)T

01. Grazing Permits. Grazing permits shall be for one (1) specified season only and shall be issued on a case-by-case basis. (4-15-03)T

02. Tests. The Administrator, in cooperation with the appropriate agency of the reciprocating state, shall have the authority to impose a tuberculosis or brucellosis herd test or tests on cattle entering for grazing purposes. This test requirement shall be evaluated on an annual basis by the Administrator and the chief livestock sanitary official of the reciprocating state. ~~(7-1-02)T~~ (4-15-03)T

03. Herd Ownership. Cattle herds permitted to move under the provisions of Section 220 shall be established herds. Change of ownership of the herd shall not be allowed while the herd is under the requirements of the grazing permit, and the cattle shall be moved interstate with such certification, identification and testing requirements as the Administrator may require. (4-15-03)T

(BREAK IN CONTINUITY OF SECTIONS)

240. TUBERCULOSIS TEST REQUIREMENTS.

Cattle and domestic bison may enter the state of Idaho provided: (7-1-02)T

01. Tuberculosis Accredited Free State Or Zone. Cattle and bison that originate from a bovine tuberculosis accredited free state or zone, as defined by USDA in Title 9, Part 77, CFR, in which there are no animals or herds infected with or exposed to tuberculosis may enter the state without a tuberculosis test. (7-1-02)T

02. Tuberculosis Accredited Free Herd. Cattle and bison that originate in an accredited tuberculosis free herd in either an accredited free state or zone, a modified accredited advanced state or zone, or a modified accredited state or zone, as defined by USDA in Title 9, Part 77, CFR, and for which both an accredited herd number and date of last tuberculosis test are shown on the certificate of veterinary inspection, may enter the state without a tuberculosis test. (8-15-02)T

03. Tuberculosis Modified Accredited Advanced State Or Zone. Cattle and bison that originate from a modified accredited advanced state or zone, as defined by USDA in Title 9, Part 77, CFR, and are not known to be infected with or exposed to tuberculosis, may be imported upon meeting the following requirements: (8-15-02)T

a. Steers, spayed heifers, and ~~individually identified~~ intact heifers of beef breeds that are less than fifteen (15) months of age, which are consigned for grazing, or steers, spayed heifers, and intact heifers of beef breeds that are consigned directly to a feedlot approved for finish feeding of cattle or bison relative to tuberculosis, may enter without individual identification or testing for tuberculosis; and ~~(7-1-02)T~~ (4-15-03)T

b. All other cattle and bison, except those moving on grazing permits issued by the Administrator under the provisions of Section 220 and those consigned for immediate slaughter at an approved slaughter establishment, shall be tested for tuberculosis with negative results within sixty (60) days prior to entry into Idaho. ~~(7-1-02)T~~ (4-15-03)T

04. Tuberculosis Modified Accredited State Or Zone. Cattle and bison that originate in a modified

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accredited state or zone, as defined by USDA in Title 9, Part 77, CFR, and which are not known to be infected with or exposed to tuberculosis, may enter Idaho under one (1) of the following conditions: (7-1-02)T

a. The cattle and bison are steers, spayed heifers or intact heifers which are consigned directly to a feedlot approved for finish feeding of cattle and bison relative to tuberculosis and that have been individually identified and classified negative on an official tuberculosis test within sixty (60) days prior to entry into Idaho; or (8-15-02)T

b. The cattle and bison are consigned for immediate slaughter at an approved slaughter establishment; or (7-1-02)T

c. The cattle and bison have been subjected to two (2) official tuberculosis tests, the results of which are negative, the first test shall be a whole herd test, the second test shall be at least sixty (60) days, and no more than six (6) months, after the whole herd test and shall be not more than sixty (60) days prior to entry into Idaho. (7-1-02)T

05. Tuberculosis Accredited Preparatory State Or Zone. Cattle and bison that originate in an accredited preparatory state or zone, as defined by USDA in Title 9, Part 77, CFR, and which are not known to be infected with or exposed to tuberculosis, may enter Idaho under one (1) of the following conditions: (8-15-02)T

a. The cattle and bison are steers, spayed heifers or intact heifers which are consigned directly to a feedlot approved for finish feeding of cattle and bison relative to tuberculosis and that are individually identified and have been classified negative on two (2) official tuberculosis tests conducted at least sixty (60) days but not more than six (6) months apart with the second test being conducted not more than sixty (60) days prior to entry into Idaho; or (7-1-02)T

b. The cattle and bison originate in a tuberculosis accredited free herd, are individually identified, and have been tested negative on an official tuberculosis test within sixty (60) days prior to entry into Idaho; or (7-1-02)T

c. The cattle and bison are individually identified, are from a herd that has been subjected to a complete tuberculosis herd test with negative results within the past twelve (12) months and the animals being imported have been subjected to two (2) additional official tuberculosis tests with negative results, conducted not less than sixty (60) days apart with the second test being conducted not more than sixty (60) days prior to the date of importation. (7-1-02)T

06. Tuberculosis Non-Accredited State Or Zone. Cattle and bison that originate in a non-accredited state or zone, as defined by USDA in Title 9, Part 77, CFR, may not enter Idaho except by special permit issued by the administrator and under the conditions specified by the administrator at the time the permit is issued. (7-1-02)T

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IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

02.04.21 - RULES GOVERNING THE IMPORTATION OF ANIMALS

DOCKET NO. 02-0421-0302

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 25-3903, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 3, 2003 Idaho Administrative Bulletin, Volume 03-9, page 47 and 48.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Dr. Dan Crowell, or John Chatburn, Idaho Department of Agriculture, at (208) 332-8540.

DATED this 3rd day of November, 2003.

Patrick A. Takasugi, Director
Idaho State Department of Agriculture
P.O. Box 790
Boise, Idaho 83701-0790
(208) 332-8500
(208) 334-4062 FAX

IDAPA 02, TITLE 04, CHAPTER 21

RULES GOVERNING THE IMPORTATION OF ANIMALS

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-9, September 3, 2003, pages 47 and 48.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

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IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.04.21 - RULES GOVERNING THE IMPORTATION OF ANIMALS

DOCKET NO. 02-0421-0302

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is October 1, 2003.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 25-3903, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking has been scheduled as follows:

**September 11, 2003, 7 p.m.
Nampa Civic Auditorium
311 3rd Street South
Nampa, ID 83651**

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule specifies that deleterious exotic animals can only be imported into Idaho pursuant to IDAPA 02.04.27, "Rules Governing Deleterious Exotic Animals".

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(a) and (b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This rule protects the public health, safety, and welfare, and complies with a new law, title 25, chapter 39, Idaho Code.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

NEGOTIATED RULEMAKING: Informal negotiated rulemaking was conducted with the assistance of an advisory committee comprised of persons interested in exotic animals.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Dr. Clarence Siroky, DVM, or John Chatburn, Idaho Department of Agriculture at (208) 332-8540.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 24, 2003.

DATED this 29th day of July, 2003.

Patrick A. Takasugi, Director
Idaho State Department of Agriculture
P.O. Box 790
Boise, Idaho 83701-0790
(208) 332-8500

2004 - Agriculture Senate Pending Rule (Yellow)

THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0421-0301

720. WILDLIFE AND EXOTIC ANIMALS.

All native and non-native wildlife, and all exotic animals imported into Idaho: (5-3-03)

01. Deleterious Exotic Animals. No person shall import deleterious exotic animals into the state of Idaho except as provided in IDAPA 02.04.27. (10-1-03)T

012. ~~Fish And Game~~ Wildlife And Exotic Animals, Except Deleterious Exotic Animals. ~~Such~~ Wildlife and exotic animals, except deleterious exotic animals, and all matters pertaining to any restrictions governing their movement into the state of Idaho, are under the authority of the Idaho Department of Fish and Game. (5-3-03)(10-1-03)T

023. Certificate And Permit. In addition to any requirements of the Idaho Department of Fish and Game, ~~such~~ wildlife and exotic animals are required to have a certificate of veterinary inspection from the state of origin and an import permit from the Division of Animal Industries. (5-3-03)(10-1-03)T

034. Additional Requirements. The Administrator may impose test and certification requirements, for diseases of concern, on any native or non-native wildlife, or exotic animals imported into Idaho. (5-3-03)

2004 - Agriculture Senate Pending Rule (Yellow)

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

02.04.24 - RULES GOVERNING TUBERCULOSIS

DOCKET NO. 02-0424-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 25-203, 25-305, 25-402, and 25-3704, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 3, 2003 Idaho Administrative Bulletin, Volume 03-9, pages 49 through 58.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule or temporary rule, contact Dr. Dan Crowell, or John Chatburn, Idaho Department of Agriculture, at (208) 332-8540.

DATED this 3rd day of November, 2003.

Patrick A. Takasugi, Director
Idaho State Department of Agriculture
P.O. Box 790
Boise, Idaho 83701-0790
(208) 332-8500
(208) 334-4062 FAX

IDAPA 02, TITLE 04, CHAPTER 24

RULES GOVERNING TUBERCULOSIS

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-9, September 3, 2003, pages 49 through 58.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

2004 - Agriculture Senate Pending Rule (Yellow)

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.04.24 - RULES GOVERNING TUBERCULOSIS

DOCKET NO. 02-0424-0301 (NEW CHAPTER)

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is October 1, 2003.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 25-203, 25-305, 25-402, and [25-3704] 25-3504, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency not later than September 17, 2003.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This is a new chapter that replaces and updates the rules found in 02.04.03 regarding tuberculosis to reflect current state laws, federal regulations, and cooperative disease control programs.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(a) and (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This rule protects the public health, safety, and welfare, and confers a benefit.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

NEGOTIATED RULEMAKING: Negotiated rulemaking was not conducted because state law or federal regulations require the changes.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Dr. Clarence Siroky, DVM, or John Chatburn, Idaho State Department of Agriculture at (208) 332-8540.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 24, 2003.

DATED this 29th day of July, 2003.

Patrick A. Takasugi, Director
Idaho State Department of Agriculture
P.O. Box 790
Boise, Idaho 83701-0790
(208) 332-8500
(208) 334-4062 FAX

2004 - Agriculture Senate Pending Rule (Yellow)

THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0424-0301

IDAPA 02
TITLE 04
CHAPTER 24

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Title 25, Chapters 2, 3, 4 and [37] 35, Idaho Code. (10-1-03)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is "Rules Governing Tuberculosis". (10-1-03)T

02. Scope. This chapter has the following scope: These rules shall govern procedures for the prevention, surveillance, control, management, and eradication of tuberculosis in the state of Idaho. The official citation of this chapter is IDAPA 02.04.24.000 et.seq. For example, this Section's citation is IDAPA 02.04.24.001.

(10-1-03)T

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (10-1-03)T

003. ADMINISTRATIVE APPEAL.

Persons may be entitled to appeal agency actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. (10-1-03)T

004. INCORPORATION BY REFERENCE.

01. Incorporated Documents. The following documents are incorporated by reference. (10-1-03)T

a. The January 22, 1999 Edition of "Bovine Tuberculosis Eradication Uniform Methods and Rules". (10-1-03)T

b. The Code of Federal Regulations, Title 9, Parts 71, 77, and 161, January 1, 2003. (10-1-03)T

02. Availability Of Incorporated Documents. Copies of these documents are available from the Idaho State Department of Agriculture Central Office. (10-1-03)T

005. ADDRESS, OFFICE HOURS, TELEPHONE, AND FAX NUMBERS.

01. Physical Address. The central office of the Idaho State Department of Agriculture is located at 2270 Old Penitentiary Road, Boise, Idaho 83712-0790. (10-1-03)T

02. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (10-1-03)T

03. Mailing Address. The mailing address for the central office is Idaho State Department of Agriculture, P.O. Box 790, Boise, Idaho 83701. (10-1-03)T

04. Telephone Number. The telephone number for the Division of Animal Industries at the central office is (208) 332-8540. (10-1-03)T

05. Fax Number. The fax number of the Division of Animal Industries at the central office is (208) 334-4062. (10-1-03)T

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006. IDAHO PUBLIC RECORDS ACT.

These rules are public records available for inspection and copying at the Central Office of the Idaho State Department of Agriculture. (10-1-03)T

007. -- 009. (RESERVED).

010. DEFINITIONS.

As used in these rules the following terms have the following meanings: (10-1-03)T

01. **Accredited Herd.** A herd that meets the standards of the UMR for bovine tuberculosis. (10-1-03)T
02. **Accredited Veterinarian.** A veterinarian approved by the Administrator and USDA/APHIS/VS, in accordance with the provisions of Title 9, Part 161, Code of Federal Regulations, to perform functions of State-Federal animal disease control programs. (10-1-03)T
03. **Administrator.** The administrator of the Division of Animal Industries, Idaho State Department of Agriculture or his designee. (10-1-03)T
04. **Affected Herd.** A herd in which there is strong and substantial evidence that *Mycobacterium bovis* may exist. (10-1-03)T
05. **Approved Laboratory.** A state or federal veterinary diagnostic laboratory. The primary laboratory for tuberculosis histopathology and bacteriology culture shall be the National Veterinary Services Laboratories, Ames, Iowa. (10-1-03)T
06. **Area-Veterinarian-In-Charge.** The veterinary official of USDA/APHIS/VS, who is assigned by the deputy administrator of APHIS to supervise and perform official APHIS animal health work. (10-1-03)T
07. **Bovine Tuberculosis.** A disease caused by *Mycobacterium bovis*. (10-1-03)T
08. **Cattle.** All domestic bovidae, including domestic bison. (10-1-03)T
09. **Department.** The Idaho State Department of Agriculture. (10-1-03)T
10. **Director.** The director of the Idaho State Department of Agriculture or his designee. (10-1-03)T
11. **Division Of Animal Industries.** Idaho State Department of Agriculture, Division of Animal Industries. (10-1-03)T
12. **Domestic Bison.** All animals of the genus *Bison*, which are owned by a person. (10-1-03)T
13. **Domestic Cervidae.** Elk, fallow deer, and reindeer owned by a person. (10-1-03)T
14. **Eradication.** The complete elimination of bovine tuberculosis from cattle, domestic cervidae, bison and goats in a state so that the disease does not appear unless introduced from another species or from outside the state. (10-1-03)T
15. **Exposed.** Animals that have had contact with other animals, herds, or materials that have been determined to be infected with or affected by *Mycobacterium bovis*. (10-1-03)T
16. **Federal Animal Health Official.** An employee of USDA/APHIS/VS who is authorized to perform animal health activities. (10-1-03)T
17. **Free Area.** The counties, areas or districts not quarantined by the Division of Animal Industries for tuberculosis. (10-1-03)T
18. **Herd.** Any group of cattle, bison, goats, and domestic cervidae maintained on common ground, or

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two (2) or more groups of cattle, bison, goats, and domestic cervidae under common ownership or supervision that are geographically separated from other groups but can have an interchange or movement without regard to health status. (10-1-03)T

19. Herd Depopulation. The destruction of all cattle, bison, goats, and domestic cervidae exposed to bovine tuberculosis in a herd. (10-1-03)T

20. Interstate Movement. Movements of cattle, bison, goats, and domestic cervidae from Idaho into any other state, territory or the District of Columbia or from any other state, territory or the District of Columbia into Idaho. (10-1-03)T

21. Intrastate Movement. Movement of cattle, bison, goats, and domestic cervidae within Idaho. (10-1-03)T

22. Negative. Any cattle, bison, domestic cervidae, or goats that show no response to the tuberculin test, or are classified by the testing laboratory as negative for tuberculosis. (10-1-03)T

23. Official Tuberculin Test. A test for bovine tuberculosis, approved by APHIS, applied and reported by approved personnel in accordance with the UMR. (10-1-03)T

24. Person. Any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, or any legal entity, which is recognized by law as the subject of rights and duties. (10-1-03)T

25. Public Stockyards. Premises where trading in cattle, bison, goats, and domestic cervidae is carried on, where yarding, feeding and watering places are provided by the stockyards or transportation companies, or where cattle, bison, goats, and domestic cervidae associations or similar companies maintain corrals for feeding, shearing, dipping and separating animals. (10-1-03)T

26. Quarantined Area. The counties, areas, or portions thereof, quarantined by the Division of Animal Industries for tuberculosis. (10-1-03)T

27. Quarantined. Isolation of all animals diseased or exposed thereto, from contact with healthy animals and exclusion of such healthy animals from enclosures or grounds where said diseased or exposed animals are, or have been kept. (10-1-03)T

28. Reactor. Any cattle, domestic cervidae, bison or goat that shows a response to an official tuberculosis test and is classified a reactor by the testing veterinarian or DTE; or any animal that is classified a reactor upon slaughter inspection or necropsy. (10-1-03)T

29. Restrain. The confinement of cattle, bison, goats, or domestic cervidae in a chute, or other device, for the purpose of efficiently, effectively, and safely inspecting, treating, vaccinating, or testing. (10-1-03)T

30. State Animal Health Official. The Administrator, or his designee, responsible for animal disease control and eradication activities. (10-1-03)T

31. Suspect. Any cattle, bison, domestic cervidae, or goat that shows a response to a tuberculin test as stated in the UMR for bovine tuberculosis, and is not classified a reactor. (10-1-03)T

32. Tuberculin. A product that is approved by, and produced under, USDA license for injection into cattle, bison, goats, and domestic cervidae for the purpose of detecting bovine tuberculosis. (10-1-03)T

011. ABBREVIATIONS.

01. APHIS. Animal Plant Health Inspection Service. (10-1-03)T

02. AVIC. Area Veterinarian in Charge. (10-1-03)T

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|------------|---|------------|
| 03. | CCT. Comparative Cervical Tuberculin Test. | (10-1-03)T |
| 04. | CFR. Code of Federal Regulations. | (10-1-03)T |
| 05. | CFT. Caudal-fold Tuberculin Test. | (10-1-03)T |
| 06. | DTE. Designated Tuberculosis Epidemiologist. | (10-1-03)T |
| 07. | NGL. No Gross Lesion(s). | (10-1-03)T |
| 08. | NVSL. National Veterinary Services Laboratories in Ames, Iowa. | (10-1-03)T |
| 09. | UMR. Uniform Methods and Rules. | (10-1-03)T |
| 10. | USDA. United States Department of Agriculture. | (10-1-03)T |
| 11. | VS. Veterinary Services. | (10-1-03)T |

012. -- 019. (RESERVED).

020. APPLICABILITY.

These rules apply to all cattle, bison, domestic cervidae, and goats located within, imported into, or exported from the state of Idaho, and other tuberculosis-susceptible animals. (10-1-03)T

021. SUPERVISION.

The official tuberculosis eradication program shall be supervised by full-time state or federal veterinarians. (10-1-03)T

022. INSPECTIONS.

In order to ascertain compliance with this chapter, state and federal animal health officials are authorized to inspect animals, records, premises and other areas where cattle, bison, goats, domestic cervidae and other animals are held or kept. (10-1-03)T

01. Entering Premises. In order to conduct activities authorized by this chapter, state or federal animal health officials are authorized to enter premises, other areas, or conveyances in the state where cattle, bison, goats, domestic cervidae or other tuberculosis susceptible animals are held or kept. State or federal animal health officials will attempt to notify the owner or operator of the premises or conveyance prior to conducting an inspection. (10-1-03)T

02. Inspecting Records. To ensure compliance with the provisions of this chapter, state or federal animal health officials are authorized to have access to, inspect, review, and copy any records deemed necessary during normal business hours. State or federal animal health officials will attempt to notify the owner or operator of the premises where the records are located prior to inspecting records. (10-1-03)T

03. Emergencies. In the event of an emergency, as determined by the Administrator, the notification requirements of Section 022 may be waived. (10-1-03)T

023. TUBERCULOSIS TESTS.

Official tests for tuberculosis shall be conducted only by persons authorized by the Administrator, and USDA/APHIS/VS. (10-1-03)T

01. Authorized Person. The Administrator may authorize state or federal animal health officials, or accredited veterinarians to perform official tuberculin tests. (10-1-03)T

02. Tuberculin Test Interpretation. The injection site on each animal shall be palpated by the authorized person that administered the tuberculin injection. The Administrator may grant variances from Subsection

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023.02 on a case by case basis. (10-1-03)T

024. REPORTING.

01. Test Results. Results of all official tuberculin tests shall be submitted to the Division of Animal Industries on a form, approved by the Administrator, within seven (7) days of initiation of the test. (10-1-03)T

02. Disease. All owners of animals, and veterinarians, shall report evidence of tuberculosis infection to the Administrator, by telephone or facsimile, within twenty-four (24) hours of the discovery of the disease. (10-1-03)T

025. QUARANTINES.

All cattle, bison, goats, and domestic cervidae animals or herds that are exposed to, or infected with tuberculosis shall be quarantined. (10-1-03)T

01. Infected Herds. Infected herds or animals shall remain under quarantine until such time as the herd has been completely depopulated or the provisions for release of quarantine provided in the UMR for bovine tuberculosis have been met. (10-1-03)T

02. Exposed Herds. The quarantine for exposed herds or animals may take the form of a Hold-Order, which shall remain in effect until the exposed animals have been tested negative or the provisions for release of quarantine provided in the UMR for bovine tuberculosis are met. (10-1-03)T

03. Validity Of Quarantine. The quarantine shall be valid whether or not it is acknowledged by signature of the owner. (10-1-03)T

026. CLEANING AND DISINFECTING.

The Administrator is authorized to order the owner or operator of stockyards, pens, trucks, trailers, cars, vessels, chutes, and other conveyances and premises to clean and disinfect the same, at the owner's expense, whenever necessary for the eradication of tuberculosis. Cleaning and disinfecting shall be done under the supervision of state or federal animal health officials. (10-1-03)T

01. Infected Premises. Premises, conveyances, or other areas where infected animals have been held or kept shall be cleaned and disinfected within fifteen (15) days following the removal of reactors or the entire herd. (10-1-03)T

02. Exemptions. The Administrator may authorize an exemption from cleaning and disinfection requirements on a case-by-case basis. (10-1-03)T

03. Extension Of Time. The Administrator may authorize an extension of time for cleaning and disinfection under extenuating circumstances. (10-1-03)T

028. TUBERCULOSIS TESTING.

The Administrator may require tuberculosis testing of cattle, bison, goats, domestic cervidae, or other animals. (10-1-03)T

01. Duty To Restrain. It shall be the duty of each person who owns cattle, bison, goats, domestic cervidae, or other animals to pen the animals in suitable pens and restrain them for the test when directed to do so in writing by the Administrator. (10-1-03)T

02. Records Of Tests. When any cattle, bison, goats, domestic cervidae, or other animals are tested for tuberculosis a complete test record shall be made and the record shall be shown on an official tuberculosis test form provided by the Administrator. The test form shall be completely filled out and shall include the following information: (10-1-03)T

a. The name and address of the owner and the location of the animals at the time of the test. (10-1-03)T

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- b.** The name and signature of the person conducting the test. (10-1-03)T
- c.** Individual identification number of each animal and the registration name and number of each purebred animal. (10-1-03)T
- d.** Age of each animal. (10-1-03)T
- e.** Sex of each animal. (10-1-03)T
- f.** Breed of each animal. (10-1-03)T
- g.** Species of animals tested. (10-1-03)T
- h.** Test results for each animal. (10-1-03)T

029. TUBERCULOSIS EMERGENCY.

In order to prevent the re-establishment of tuberculosis infection in cattle, bison, goats or domestic cervidae in the state, the Director may declare an animal health emergency. (10-1-03)T

01. Tuberculosis In Idaho. The Director may declare a tuberculosis emergency in the event that tuberculosis is diagnosed in any cattle, bison, goats or domestic cervidae in Idaho. (10-1-03)T

02. Tuberculosis In Adjacent Area. The Director may declare a tuberculosis emergency in the event that tuberculosis is discovered in areas outside the state that could result in transmission of tuberculosis to Idaho cattle, bison, goats, or domestic cervidae. (10-1-03)T

030. TUBERCULOSIS INDEMNITY.

Owners of animals that are condemned and depopulated because of tuberculosis shall be indemnified for such animals, and for reasonable costs of disposal and cleaning and disinfection in accordance with the provisions of this chapter, except as provided in Section 031. (10-1-03)T

01. Indemnity Payments. Payments shall be based upon the appraised value, less federal indemnity and salvage value for the animals. (10-1-03)T

02. Time Limit For Slaughter. Payment of indemnity shall be made under Section 030 for animals destroyed because of tuberculosis, only if the animals are shipped to slaughter or die otherwise within fifteen (15) days after the date of individual identification and tagging. The Administrator may extend the period for thirty (30) days. (10-1-03)T

03. Verification Of Reactors That Die. Indemnity may be paid on tuberculosis reactors that die before being sent to slaughter provided: (10-1-03)T

a. The reactors have been appraised and identified and die within fifteen (15) days from the date of appraisal; and (10-1-03)T

b. The state or federal animal health officials directing the disease control work are furnished with a signed statement by a veterinarian attesting that he observed the carcass of the dead animal, the reactor tag number found in the left ear of the animal, and date of death. (10-1-03)T

04. Other Costs. Reimbursement for disposal costs and cleaning and disinfection costs shall not exceed the actual cost. (10-1-03)T

031. TUBERCULOSIS INDEMNITY – CLAIMS NOT ALLOWED.

Claims for compensation for animals destroyed because of tuberculosis shall not be allowed if any of the following circumstances exist: (10-1-03)T

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- 01. Failure To Comply.** The owner has failed to comply with any of these rules. (10-1-03)T
- 02. Illegal Imports.** The animals were illegally imported into the state. (10-1-03)T
- 03. Animals Sold For Slaughter.** At the time of the test or condemnation, the animals belonged to or were upon the premises of any person to whom the animals had been sold, shipped, or delivered for slaughter. (10-1-03)T
- 04. Unapproved Test.** The animals were subject to a test not approved by the Administrator. (10-1-03)T
- 05. Untested Animals.** All animals in the owner's herd have not been tested for tuberculosis under state or federal supervision. (10-1-03)T
- 06. Premises Not Cleaned.** The premises occupied by the tuberculosis infected animals were not cleaned and disinfected as directed, under state or federal supervision. (10-1-03)T
- 07. Attempt To Improperly Obtain Funds.** There is substantial evidence that the owner or his agent has in any way been responsible for any attempt unlawfully or improperly to obtain indemnity funds for such animals. (10-1-03)T
- 08. Unidentified Cattle And Bison.** Cattle or bison destroyed because of tuberculosis, unless they were marked for identification by branding the letter "T" on the left hip near the tailhead, not less than two (2) inches high, and unless a metal tag bearing a serial number and inscription "US REACTOR" or similar US Reactor tag, was suitably attached to the left ear of each animal. (10-1-03)T
- 09. Calves.** If the entire herd is not depopulated and the cattle or bison were calves under one hundred eighty (180) days of age. (10-1-03)T
- 032. -- 099. (RESERVED).**
- 100. Official Identification.**
All cattle, bison, domestic cervidae, and goats tested for tuberculosis shall be individually identified by official eartag, individual tattoo, or individual brand, as provided in the UMR for bovine tuberculosis, at the time of injection. (10-1-03)T
- 101. CATTLE, BISON, GOATS, AND DOMESTIC CERVIDAE MARKET RELEASE.**
The accredited veterinarian authorized to provide veterinary services at a specifically approved livestock market shall perform a clinical inspection of all cattle, bison, goats, and domestic cervidae and accurately complete a "Saleyard Release" form, certificate of veterinary inspection, or other market release mechanism certifying that the animals meet the health requirements for movement to the point of destination prior to any animals being released from the livestock market. (10-1-03)T
- 102. -- 119. (RESERVED).**
- 120. CLASSIFICATION OF CATTLE, BISON, AND DOMESTIC CERVIDAE.**
Classification of cattle, bison, and domestic cervidae tested for tuberculosis shall be determined pursuant to the UMR for bovine tuberculosis. (10-1-03)T
- 121. -- 199. (RESERVED).**
- 200. PROCEDURES FOR INFECTED HERDS.**
Disclosure of tuberculosis in any herd shall be followed by a complete epidemiological investigation and testing as provided in the UMR for bovine tuberculosis. (10-1-03)T
- 201. -- 209. (RESERVED).**

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210. PROCEDURES FOR TUBERCULOSIS - INFECTED FEEDLOTS.

A tuberculosis-infected feedlot shall be handled in the same manner as an affected herd in regard to epidemiological investigation and the development of epidemiological tracings for animal movements into and out of the feedlot.

(10-1-03)T

211. -- 219. (RESERVED).

220. DISPOSITION OF TUBERCULIN-RESPONDING CATTLE, BISON, AND DOMESTIC CERVIDAE.

Cattle, bison, and domestic cervidae that respond to the tuberculin test shall be handled according to the UMR for bovine tuberculosis.

(10-1-03)T

221. -- 249. (RESERVED).

250. IDENTIFICATION OF REACTOR CATTLE AND BISON.

Reactor cattle and bison shall be identified in the following manner:

(10-1-03)T

01. "T" Branding And Tagging. Reactor cattle and bison shall be identified by branding the letter "T" on the left hip near the tailhead, not less than two (2) inches and not more than three (3) inches high, and by tagging with an approved metal eartag bearing a serial number and inscription "U.S. Reactor" or a similar State reactor tag suitably attached to the left ear of each animal.

(10-1-03)T

02. Shipping Without Branding. In lieu of branding, the reactor(s) may be shipped to slaughter in an officially sealed vehicle or accompanied to slaughter by a state or federal animal health official provided such reactor(s) are tattooed with the letters "TB" in the left ear and the same letters are sprayed on the left ear with yellow paint.

(10-1-03)T

251. -- 259. (RESERVED).

260. IDENTIFICATION OF EXPOSED CATTLE AND BISON.

Cattle and bison exposed to bovine tuberculosis shall be identified in the following manner:

(10-1-03)T

01. "S" Branding And Tagging. To be eligible for federal indemnity, exposed cattle and bison shall be identified by branding the letter "S" on the left hip near the tailhead, not less than two (2) inches nor more than three (3) inches high, and by tagging with an approved metal eartag bearing a serial number attached to either ear of each animal.

(10-1-03)T

02. Shipping Without Branding. In lieu of branding, such animals may be accompanied to slaughter by a state or federal animal health official or be shipped in vehicles sealed with official seals.

(10-1-03)T

261. -- 299. (RESERVED).

300. RETESTING OF HIGH-RISK HERDS.

Retesting schedules for high-risk herds of cattle and bison shall be determined pursuant to the UMR for bovine tuberculosis.

(10-1-03)T

301. -- 399. (RESERVED).

400. ACCREDITED HERD PLAN FOR CATTLE, BISON, GOATS, AND DOMESTIC CERVIDAE.

Testing of herds for accreditation or reaccreditation shall be conducted pursuant to the UMR for bovine tuberculosis.

(10-1-03)T

401. -- 499. (RESERVED).

500. MOVEMENT OF INFECTED AND EXPOSED CATTLE, DOMESTIC CERVIDAE, OR BISON.

All movement of infected or exposed cattle, domestic cervidae, or bison shall be on a restricted movement permit in accordance with the UMR for bovine tuberculosis.

(10-1-03)T

2004 - Agriculture Senate Pending Rule (Yellow)

501. -- 989. (RESERVED).

990. PENALTY FOR VIOLATIONS.

Any person who violates any of the provisions of this chapter may be subject to the criminal and civil penalties provided in Title 25, Chapters 2, 3, [37] 35, Idaho Code. (10-1-03)T

991. -- 998. (RESERVED).

999. MINOR VIOLATIONS.

Nothing in this chapter requires the director to report minor violations for prosecution when he believes that the public interest will be best served by suitable warnings or other administrative action. (10-1-03)T

2004 - Agriculture Senate Pending Rule (Yellow)

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

02.04.25 - RULES GOVERNING THE PRIVATE FEEDING OF BIG GAME ANIMALS

DOCKET NO. 02-0425-0301

NOTICE OF RULEMAKING

PENDING RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is December 1, 2003. The pending rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended, or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Section 25-207A, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and amending the existing temporary rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for any change.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, and is being republished following this notice. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Department of Agriculture amended the temporary rule with the same revisions that have been made to the proposed rule. Only the Section that has changes different from the proposed text is printed in this bulletin. The original text of the proposed rule was published in the September 3, 2003 Idaho Administrative Bulletin, Volume 03-9, pages 59 through 64.

In response to public comments, this pending rule amends the following: Section 100 - Eastern Idaho Big Game Private Feeding Prohibition Zone.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule or temporary rule, contact John Chatburn, Idaho State Department of Agriculture, at (208) 332-8540.

DATED this 3rd day of November, 2003.

Patrick A. Takasugi, Director
Idaho State Department of Agriculture
P.O. Box 790
Boise, Idaho 83701-0790
(208) 332-8500
(208) 334-4062 FAX

**IDAPA 02
TITLE 04
CHAPTER 25**

RULES GOVERNING THE PRIVATE FEEDING OF BIG GAME ANIMALS

2004 - Agriculture Senate Pending Rule (Yellow)

There are substantive changes from the proposed rule text.

Only those sections that have changed from the original proposed text are printed in this Bulletin following this notice.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-9, September 4, 2003, pages 59 through 64.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 02-0425-0301

SECTION 100 (Entire Section)

100. EASTERN IDAHO BIG GAME PRIVATE FEEDING PROHIBITION ZONE.

In order to prevent the spread of brucellosis and other diseases between big game animals and from big game animals to livestock, the following portion of Idaho is designated as the eastern Idaho big game private feeding prohibition zone:

- | | | |
|-----------------------|---|-----------------------|
| 01. | Clark County. All of Clark County. | (12-1-03)T |
| 02. | Fremont County. All of Fremont County. | (12-1-03)T |
| 03. | Teton County. All of Teton County. | (12-1-03)T |
| 04. | Madison County. All of Madison County. | (12-1-03)T |
| 05. | Bonneville County. All of Bonneville County. | (12-1-03)T |
| 06. | Bingham County. All of Bingham County, except the portion inside the external boundaries of the Fort Hall Indian Reservation. | (12-1-03)T |
| 07. | Caribou County. All of Caribou County. | (12-1-03)T |
| 08. | Bear Lake County. All of Bear Lake County. | (12-1-03)T |
| 09. | Franklin County. All of Franklin County. | (12-1-03)T |

2004 - Agriculture Senate Pending Rule (Yellow)

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

02.04.25 - RULES GOVERNING PRIVATE FEEDING OF BIG GAME ANIMALS

DOCKET NO. 02-0425-0301

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is December 1, 2003.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 25-207A, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking has been scheduled as follows:

**September 9, 2003, 7 p.m.
City Council Chamber
911 N 7th, Pocatello, ID 83201**

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This new rule designates portions of eastern Idaho where the private feeding of big game animals is prohibited to reduce disease transmission.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(a), (b) and (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This rule protects the public health, safety, and welfare, complies with deadlines in law, and confers a benefit.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

NEGOTIATED RULEMAKING: Informal negotiated rulemaking was conducted with the assistance of an advisory committee comprised of persons interested in big game animals and livestock.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Clarence Siroky, DVM, or John Chatburn, Idaho State Department of Agriculture at (208) 332-8540.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 24, 2003.

DATED this 4th day of August, 2003.

Patrick A. Takasugi, Director
Idaho State Department of Agriculture
P.O. Box 790
Boise, Idaho 83701-0790
(208) 332-8500
(208) 334-4062 FAX

2004 - Agriculture Senate Pending Rule (Yellow)

THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0425-0301

IDAPA 02
TITLE 04
Chapter 25

02.04.25 - RULES GOVERNING PRIVATE FEEDING OF BIG GAME ANIMALS

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Title 25, Chapter 2, Idaho Code. (12-1-03)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.04.25, "Rules Governing Private Feeding of Big Game Animals". (12-1-03)T

02. Scope. These rules govern the private feeding of big game animals in areas of the state of Idaho that have been designated for regulation. The official citation of this chapter is IDAPA 02.04.25.000 et seq. For example, this Section's citation is IDAPA 02.04.25.001. (12-1-03)T

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (12-1-03)T

003. ADMINISTRATIVE APPEAL.

Persons may be entitled to appeal agency actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. (12-1-03)T

004. INCORPORATION BY REFERENCE.

This chapter does not incorporate any documents by reference. (12-1-03)T

005. ADDRESS, OFFICE HOURS, TELEPHONE, AND FAX NUMBERS.

01. Physical Address. The central office of the Idaho State Department of Agriculture is located at 2270 Old Penitentiary Road, Boise, Idaho 83712. (12-1-03)T

02. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (12-1-03)T

03. Mailing Address. The mailing address for the central office is Idaho State Department of Agriculture, P.O. Box 790, Boise, Idaho 83701-0790. (12-1-03)T

04. Telephone Number. The telephone number for the Division of Animal Industries at the central office is (208) 332-8540. (12-1-03)T

05. Fax Number. The fax number for the Division of Animal Industries at the central office is (208) 334-4062. (12-1-03)T

006. IDAHO PUBLIC RECORDS ACT.

These rules are public records available for inspection and copying at the Central Office of the Idaho State Department of Agriculture. (12-1-03)T

2004 - Agriculture Senate Pending Rule (Yellow)

DEPARTMENT OF AGRICULTURE
Private Feeding of Big Game Animals

Docket No. 02-0425-0301
Temporary and Proposed Rulemaking

007. -- 009. (RESERVED).

010. DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this chapter. (12-1-03)T

01. Administrator. The administrator of the Division of Animal Industries, Idaho State Department of Agriculture or his designee. (12-1-03)T

02. Big Game Animals. All wild cervidae. (12-1-03)T

03. Brucellosis. An infectious disease of animals and humans caused by bacteria of the genus *Brucella*. (12-1-03)T

04. Cattle. All bovidae, including domestic bison. (12-1-03)T

05. Department. The Idaho State Department of Agriculture. (12-1-03)T

06. Director. The director of the Idaho State Department of Agriculture or his designee. (12-1-03)T

07. Division Of Animal Industries. Idaho State Department of Agriculture, Division of Animal Industries. (12-1-03)T

08. Domestic Bison. All animals in the genus *Bison* that are owned by a person. (12-1-03)T

09. Domestic Cervidae. Elk, fallow deer and reindeer that are owned by a person. (12-1-03)T

10. Emergency Feeding. Feeding of big game animals authorized by IDFG pursuant to IDAPA 13.01.18 "Rules Governing Emergency Feeding of Antelope, Elk, and Deer of the Idaho Fish and Game Commission," and IDFG written policies. (12-1-03)T

11. Federal Animal Health Official. An employee of the United States Department of Agriculture, Animal Plant Health Inspection Service, Veterinary Services who is authorized to perform animal health activities. (12-1-03)T

12. Livestock. Cattle, domestic cervidae, domestic bison, sheep, goats, camelids, and horses. (12-1-03)T

13. Operator. The person who has authority to manage or direct a premises or other area where livestock are fed, feed is stored, or the private feeding of big game animals may occur. (12-1-03)T

14. Owner. The person who owns or has financial control of livestock, premises or other areas where livestock are fed, where feed is stored, or where the private feeding of big game animals may occur. (12-1-03)T

15. Person. Any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, or any legal entity, which is recognized by law as the subject of rights and duties. (12-1-03)T

16. Premises. The ground, area, buildings, corrals, and equipment utilized to keep, hold, or maintain animals. (12-1-03)T

17. State Animal Health Official. The Administrator, or his designee, responsible for disease control and eradication activities. (12-1-03)T

18. Supplemental Feed. Harvested hay, grain, baled straw, or pellet rations. (12-1-03)T

19. Wild Cervidae. All cervidae that are not owned by a person. (12-1-03)T

2004 - Agriculture Senate Pending Rule (Yellow)

DEPARTMENT OF AGRICULTURE
Private Feeding of Big Game Animals**Docket No. 02-0425-0301**
Temporary and Proposed Rulemaking

011. ABBREVIATIONS.

- 01. IDFG.** Idaho Department of Fish and Game. (12-1-03)T
- 02. ISDA.** Idaho State Department of Agriculture. (12-1-03)T

012. -- 019. (RESERVED).**020. APPLICABILITY.**

In order to prevent the spread of brucellosis and other diseases between big game animals and from big game animals to livestock, these rules apply to all persons who purposely or knowingly provide supplemental feed to big game animals within the area designated in Section 100 of these rules, except supplemental feeding activities conducted by, or emergency feeding activities authorized by IDFG. (12-1-03)T

021. INSPECTIONS.

In order to ascertain compliance with this chapter, state and federal animal health officials are authorized to enter and inspect premises, and other areas, where the Administrator has reason to believe that the private feeding of big game animals may be occurring. (12-1-03)T

01. Entering Premises. State or federal animal health officials will attempt to notify the owner or operator of the premises or other area prior to conducting an inspection. (12-1-03)T

02. Emergencies. In the event of an emergency, as determined by the Administrator, the notification requirements of Section 021 may be waived. (12-1-03)T

022. -- 099. (RESERVED).**100. EASTERN IDAHO BIG GAME PRIVATE FEEDING PROHIBITION ZONE.**

In order to prevent the spread of brucellosis and other diseases between big game animals and from big game animals to livestock, the following portion of Idaho is designated as the eastern Idaho big game private feeding prohibition zone: (12-1-03)T

- 01. Clark County.** All of Clark County. (12-1-03)T
- 02. Fremont County.** All of Fremont County. (12-1-03)T
- 03. Teton County.** All of Teton County. (12-1-03)T
- 04. Madison County.** All of Madison County. (12-1-03)T
- 05. Bonneville County.** All of Bonneville County. (12-1-03)T
- 06. Bingham County.** All of Bingham County, except the portion inside the external boundaries of the Fort Hall Indian Reservation. (12-1-03)T
- 07. Caribou County.** All of Caribou County. (12-1-03)T
- 08. Bear Lake County.** All of Bear Lake County. (12-1-03)T
- 09. Franklin County.** All of Franklin County. (12-1-03)T

101. PRIVATE FEEDING OF BIG GAME ANIMALS PROHIBITED.

No person shall purposely or knowingly provide supplemental feed to big game animals within the eastern Idaho big game private feeding prohibition zone, except supplemental feeding activities conducted by, or emergency feeding activities authorized by IDFG. (12-1-03)T

2004 - Agriculture Senate Pending Rule (Yellow)

102. INCIDENTAL GRAZING.

Incidental grazing by big game animals on private rangeland forage, standing agricultural crops, or agricultural crop residue left on the ground following typical harvest practices shall not be considered providing supplemental feed. (12-1-03)T

102. -- 109. (RESERVED).

110. DUTY TO REPORT.

01. Livestock Contact. It shall be the duty of the owners or operators of premises where livestock are fed to report feed-line contact between big game animals and livestock to the Division of Animal Industries within twenty-four (24) hours of when the owner or operator knew, or reasonably should have known, of the contact. (12-1-03)T

02. Stored Feed. It shall be the duty of the owners, of premises or other areas where hay or other forms of supplemental feed are stored, to report any big game consumption of stored feed to the Division of Animal Industries or IDFG, within twenty-four (24) hours of when the owner or operator knew, or reasonably should have known, of the consumption of the stored feed. (12-1-03)T

03. Reporting. The reports required by Section 110 may be filed by telephone, facsimile, or electronic mail. (12-1-03)T

04. Failure To Report. Failure to make any of the reports as required in Section 110 is a violation of this chapter. (12-1-03)T

111. -- 119. (RESERVED).

120. INCIDENTAL CONTACT.

Incidental contact between livestock and big game animals, during the normal course of providing feed to livestock in the winter, is not a violation of this chapter provided: (12-1-03)T

01. Notification. The owner or operator of the premises where the livestock is being fed, notifies the Division of Animal Industries by telephone, facsimile, or electronic mail within twenty-four (24) hours of when the owner or operator knew, or reasonably should have known, of the contact; and (12-1-03)T

02. Cooperation. The owner and operator of the premises where the livestock are being fed cooperate with ISDA and IDFG, as determined by the Administrator, to facilitate conducting big game management activities that will eliminate the contact. (12-1-03)T

121. -- 149. (RESERVED).

150. MANAGEMENT ACTIVITIES.

ISDA and IDFG are authorized to enter premises and other areas within the eastern Idaho big game private feeding prohibition zone, where big game animals are being provided with supplemental feed, or there is feed-line contact between livestock, to conduct big game management activities, which include but are not limited to: (12-1-03)T

01. Trapping. Trapping big game animals. (12-1-03)T

02. Testing. Testing big game animals for diseases. (12-1-03)T

03. Moving Animals. Transferring big game animals to areas where there is suitable winter habitat. (12-1-03)T

04. Hazing. Hazing or dispersing big game animals. (12-1-03)T

05. Supplemental Feed. Making supplemental feed unavailable or unpalatable to big game animals. (12-1-03)T

2004 - Agriculture Senate Pending Rule (Yellow)

06. Entering Premises. State animal health officials will attempt to notify the owner or operator of the premises or other area prior to conducting big game management activities. (12-1-03)T

151. -- 989. (RESERVED).

990. PENALTIES FOR VIOLATIONS.

Any person who violates the provisions of this chapter is subject to the penalties provided in Section 25-219, Idaho Code. (12-1-03)T

991. -- 994. (RESERVED).

995. MINOR VIOLATIONS.

Nothing in this chapter shall be construed as requiring ISDA to report minor violations when ISDA believes that the public interest will be best served by suitable warnings or other administrative action. (12-1-03)T

996. -- 999. (RESERVED).

2004 - Agriculture Senate Pending Rule (Yellow)

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

02.04.26 - RULES GOVERNING LIVESTOCK MARKETING

DOCKET NO. 02-0426-0301

NOTICE OF RULEMAKING

PENDING RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is December 1, 2003. The pending rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended, or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to sections 25-203, 25-207, 25-305, 25-601, 25-1723, and 25-3520, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and amending the existing temporary rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for any change.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, and is being republished following this notice. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Department of Agriculture amended the temporary rule with the same revisions that have been made to the proposed rule. Only the Sections that have changes different from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the September 3, 2003 Idaho Administrative Bulletin, Volume 03-9, pages 65 through 77.

This pending rule amends the following: Section 010 - Definitions and Section 030 - Inspections.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule or temporary rule, contact John Chatburn, Idaho State Department of Agriculture, at (208) 332-8540.

DATED this 3rd day of November, 2003.

Patrick A. Takasugi, Director
Idaho State Department of Agriculture
P.O. Box 790, Boise, Idaho 83701-0790
(208) 332-8500
(208) 334-4062 FAX

IDAPA 02, TITLE 04, CHAPTER 26

RULES GOVERNING LIVESTOCK MARKETING

There are substantive changes from the proposed rule text.

Only those sections that have changed from the original proposed text are printed in this Bulletin following this notice.

2004 - Agriculture Senate Pending Rule (Yellow)

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-9, September 4, 2003, pages 65 through 77.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 02-0426-0301

SECTION 010 (Partial Section)

010. DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this chapter. (10-1-03)T

25. **Person.** Any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, or any legal entity, which is recognized by law as the subject of rights and duties. (12-1-03)T

256. Public Livestock Market. Any place, establishment, or facility owned or operated by a person in which livestock is received, held, sold or kept for sale or shipment, which is conducted or operated for compensation or profit as a public market for livestock. (10-1-03)T

~~26. **Person.** Any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, or any legal entity, which is recognized by law as the subject of rights and duties.~~ (10-1-03)F

SECTION 030 (Entire Section)

030. INSPECTIONS.

To prevent the introduction and dissemination, or to control and eradicate diseases, state and federal animal health officials are authorized to inspect livestock records, premises, facilities, and livestock to ensure compliance with the provisions of this chapter and other state or federal laws or rules applicable to public livestock markets, buying stations, and livestock dealers. (10-1-03)T

01. Entering Premises. In order to conduct activities authorized by this chapter, state or federal animal health officials are authorized to enter public livestock markets, buying stations, or livestock dealer premises. State or federal officials will attempt to notify the owner or operator of the premises prior to conducting an inspection. (10-1-03)F(12-1-03)T

02. Inspecting Records. To ensure compliance with the provisions of this chapter, state or federal animal health officials are authorized to have access to, inspect, review, and copy any records deemed necessary during normal business hours. State or federal animal health officials will attempt to notify the owner or operator of the premises where the records are located prior to inspecting records. (10-1-03)T

03. Emergencies. In the event of an emergency, as determined by the Administrator, the notification requirements of this section may be waived. (10-1-03)T

2004 - Agriculture Senate Pending Rule (Yellow)

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.04.26 - RULES GOVERNING LIVESTOCK MARKETING

DOCKET NO. 02-0426-0301 (NEW CHAPTER)

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is October 1, 2003.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 25-203, 25-207, 25-305, 25-601, 25-1723, 25-3520, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking has been scheduled as follows:

September 10, 2003, 7 p.m
Nampa Civic Auditorium
311 3rd Street South, Nampa, ID 83651

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule updates the rules for Public Livestock Markets and addresses disease surveillance, record keeping, and animal movement related to buying stations and livestock dealers.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(a) and (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This rule protects the public health, safety, and welfare, and confers a benefit.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

NEGOTIATED RULEMAKING: Informal negotiated rulemaking was conducted with the assistance of an advisory committee comprised of persons interested in the marketing of livestock.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Dr. Clarence Siroky, DVM, or John Chatburn, Idaho Department of Agriculture at (208) 332-8540.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 24, 2003.

DATED this 29th day of July, 2003.

Patrick A. Takasugi, Director
Idaho State Department of Agriculture
P.O. Box 790, Boise, Idaho 83701-0790
(208) 332-8500 / (208) 334-4062 FAX

THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0426-0301

2004 - Agriculture Senate Pending Rule (Yellow)

IDAPA 02
TITLE 04
CHAPTER 26

02.04.26 - RULES GOVERNING LIVESTOCK MARKETING

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Title 25, Chapters 2, 3, 6, 17, and 35, Idaho Code. (10-1-03)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.04.26, "Rules Governing Livestock Marketing". (10-1-03)T

02. Scope. These rules shall govern the facilities, record keeping, identification, quarantine facilities, and movement of livestock through public livestock markets, buying stations, and livestock dealers. The official citation of this chapter is IDAPA 02.04.26.000 et seq. For example, this Section's citation is IDAPA 02.04.26.001. (10-1-03)T

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (10-1-03)T

003. ADMINISTRATIVE APPEAL.

Persons may be entitled to appeal agency actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. (10-1-03)T

004. INCORPORATION BY REFERENCE.

01. Incorporated Documents. The following documents are incorporated by reference: Code of Federal Regulations, Title 9, Parts 71, 75, 77, 78, 85, and 161, CFR, January 1, 2003. (10-1-03)T

02. Availability Of Documents. Copies of these documents may be obtained from the Idaho State Department of Agriculture Central Office. (10-1-03)T

005. ADDRESS, OFFICE HOURS, TELEPHONE, AND FAX NUMBERS.

01. Physical Address. The central office of the Idaho State Department of Agriculture is located at 2270 Old Penitentiary Road, Boise, Idaho 83712-0790. (10-1-03)T

02. Office Hours. Office hours are 8 a.m. to 5 p.m. Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (10-1-03)T

03. Mailing Address. The mailing address for the central office is Idaho State Department of Agriculture, P. O. Box 790, Boise, Idaho 83701. (10-1-03)T

04. Telephone Number. The telephone number for the Division of Animal Industries at the central office is (208) 332-8540. (10-1-03)T

05. Fax Number. The fax number for the Division of Animal Industries at the central office is (208) 334-4062. (10-1-03)T

006. IDAHO PUBLIC RECORDS ACT.

These rules are public records available for inspection and copying at the Central Office of the Idaho State Department of Agriculture. (10-1-03)T

007. -- 009. (RESERVED).

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010. Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter. (10-1-03)T

01. Accredited Veterinarian. A veterinarian approved by the Administrator and the USDA/APHIS/VS, in accordance with the provisions of Title 9, Part 161, Code of Federal Regulations, to perform functions of State-Federal animal disease control programs. (10-1-03)T

02. Administrator. The administrator of the Division of Animal Industries, Idaho State Department of Agriculture or his designee. (10-1-03)T

03. Approved Buying Station. A specific livestock facility, approved by the Administrator, where cattle are concentrated for delivery directly to an approved slaughter establishment. (10-1-03)T

04. Approved Feedlot. A feedlot approved by the Administrator to feed cattle and domestic bison of unknown disease status. (10-1-03)T

05. Approved Slaughter Establishment. A USDA inspected slaughter establishment where ante-mortem and post-mortem inspections are conducted by USDA inspectors. (10-1-03)T

06. Brucellosis. An infectious disease of animals and humans caused by bacteria of the genus *Brucella*. (10-1-03)T

07. Cattle. All domestic bovidae, including domestic bison. (10-1-03)T

08. Department. The Idaho State Department of Agriculture. (10-1-03)T

09. Director. The director of the Idaho State Department of Agriculture, or his designee. (10-1-03)T

10. Division. Idaho State Department of Agriculture, Division of Animal Industries. (10-1-03)T

11. Domestic Bison. All animals in the genus *Bison*, which are owned by a person. (10-1-03)T

12. Domestic Cervidae. Elk, fallow deer, and reindeer owned by a person. (10-1-03)T

13. Epithelioma Of The Eye. Carcinoma of the eye of cattle commonly known as cancer eye. (10-1-03)T

14. Federal Animal Health Official. An employee of USDA/APHIS/VS who is authorized to perform animal health activities. (10-1-03)T

15. Herd. Any group of livestock maintained on common ground, or two (2) or more groups of livestock under common ownership or supervision that are geographically separated from other groups but can have an interchange or movement without regard to health status. (10-1-03)T

16. Interstate Movement. Movements of livestock from Idaho into any other state, territory or the District of Columbia or from any other state, territory or the District of Columbia into Idaho. (10-1-03)T

17. Livestock. Cattle, domestic bison, swine, horses, mules, asses, domestic cervidae, sheep, goats, camelids, and ratites. (10-1-03)T

18. Livestock Dealer. A person licensed by the State Brand Board pursuant to Title 25, Chapter 33, Idaho Code. (10-1-03)T

19. Lump Jaw. A condition known as actinomycosis or actinobacillosis in cattle. (10-1-03)T

20. Official Ear Tag. An APHIS approved identification ear tag conforming to the alphanumeric

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national uniform ear tagging system, which provides unique identification for each animal. (10-1-03)T

21. Official Individual Identification. Official USDA approved ear tag, USDA back tag, registration tattoo, or identification approved by the Administrator. (10-1-03)T

22. Official Vaccination Ear Tag. An APHIS approved identification ear tag conforming to the alphanumeric national uniform ear tagging system, which provides unique identification for each animal. (10-1-03)T

23. Operator. The person who has authority to manage or direct a public livestock market, buying station, or livestock dealer's premises. (10-1-03)T

24. Owner. The person who owns or has financial control of a public livestock market, buying station, or livestock dealer's premises. (10-1-03)T

25. Public Livestock Market. Any place, establishment, or facility owned or operated by a person in which livestock is received, held, sold or kept for sale or shipment, which is conducted or operated for compensation or profit as a public market for livestock. (10-1-03)T

26. Person. Any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, or any legal entity, which is recognized by law as the subject of rights and duties. (10-1-03)T

27. Restraint. The confinement of livestock in a chute, or other device, for the purpose of efficiently, effectively, and safely inspecting, treating, vaccinating, or testing. (10-1-03)T

28. State Animal Health Official. The Administrator, or his designee, responsible for disease control and eradication activities. (10-1-03)T

29. Tuberculosis. An infectious disease of humans and animals caused by *Mycobacterium bovis*. (10-1-03)T

30. USDA Back Tag. A back tag issued by APHIS that conforms to the eight (8) character alphanumeric National Back Tagging System and that provides unique identification for each animal. (10-1-03)T

011. ABBREVIATIONS.

01. APHIS. Animal Plant Health and Inspection Service. (10-1-03)T

02. CFR. Code of Federal Regulations. (10-1-03)T

03. USDA. United States Department of Agriculture. (10-1-03)T

04. VS. Veterinary Services. (10-1-03)T

012. -- 019. (RESERVED).

020. APPLICABILITY.

These rules apply to chartered livestock markets, buying stations, and livestock dealers operating in Idaho. (10-1-03)T

021. -- 029. (RESERVED)

030. INSPECTIONS.

To prevent the introduction and dissemination, or to control and eradicate diseases, state and federal animal health officials are authorized to inspect livestock records, premises, facilities, and livestock to ensure compliance with the provisions of this chapter and other state or federal laws or rules applicable to public livestock markets, buying stations, and livestock dealers. (10-1-03)T

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01. Entering Premises. In order to conduct activities authorized by this chapter, state or federal animal health officials are authorized to enter public livestock market, buying station, or livestock dealer premises. State or federal officials will attempt to notify the owner or operator of the premises prior to conducting an inspection. (10-1-03)T

02. Inspecting Records. To ensure compliance with the provisions of this chapter, state or federal animal health officials are authorized to have access to, inspect, review, and copy any records deemed necessary during normal business hours. State or federal animal health officials will attempt to notify the owner or operator of the premises where the records are located prior to inspecting records. (10-1-03)T

03. Emergencies. In the event of an emergency, as determined by the Administrator, the notification requirements of this section may be waived. (10-1-03)T

031. -- 039. (RESERVED).

040. LIVESTOCK TREATMENT.

Each public livestock market, buying station, and livestock dealer shall humanely treat all livestock. All non-ambulatory livestock shall be: (10-1-03)T

01. Returned. Returned to premises of origin; or (10-1-03)T

02. Feed And Water. Provided adequate feed and clean water; or (10-1-03)T

03. Euthanized. Humanely euthanized; or (10-1-03)T

04. Slaughtered. Delivered directly to an approved slaughter establishment. (10-1-03)T

041. -- 049. (RESERVED).

050. DEAD ANIMAL DISPOSAL.

The movement and disposal of all dead animals shall be pursuant to the provisions of IDAPA 02.04.17 "Rules Governing Dead Animal Movement and Disposal". (10-1-03)T

051. -- 059. (RESERVED).

060. ENVIRONMENTAL REQUIREMENTS.

All public livestock markets, buying stations, and livestock dealers shall meet the provisions of IDAPA 02.04.15 "Rules Governing Beef Cattle Animal Feeding Operations". (10-1-03)T

061. -- 099. (RESERVED).

100. PUBLIC LIVESTOCK MARKET CHARTER.

No person shall conduct or operate a public livestock market without first securing a charter from the Department. Charters shall expire on April 30 of each year. It shall be the responsibility of the public livestock market operator to apply each year for charter renewal. (10-1-03)T

101. PUBLIC LIVESTOCK MARKET MINIMUM SALE REQUIREMENT.

Each chartered public livestock market shall conduct a minimum of one (1) sale during each calendar year. (10-1-03)T

102. -- 109. (RESERVED).

110. MARKET RELEASE.

Prior to any livestock being released from a public livestock market, the following conditions shall be fulfilled: (10-1-03)T

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01. Clinical Inspection. A clinical inspection, of each animal, shall be made by the accredited veterinarian authorized to provide veterinary services to the market; and (10-1-03)T

02. Saleyard Release Form. An accurate and legible "Saleyard Release" form, certificate of veterinary inspection, or other market release mechanism, approved by the Administrator, shall be completed certifying that the animals meet the health requirements for movement to the point of destination. (10-1-03)T

111. -- 119. (RESERVED).

120. IDENTIFICATION.

All livestock entering a public livestock market shall be immediately individually identified to the herd of origin. (10-1-03)T

121. APPROVED FORMS OF IDENTIFICATION.

The following are approved methods of individual identification. (10-1-03)T

01. Back Tag. USDA approved back tag; or (10-1-03)T

02. Ear Tag. Official USDA ear tag; or (10-1-03)T

03. Registration Tattoo; or (10-1-03)T

04. Brand Inspection. Statement of ownership such as a brand inspection certificate. (10-1-03)T

05. Removal Of Identification. No animal identification shall be intentionally removed, tampered with, or otherwise altered, except as approved by the Administrator. (10-1-03)T

122. -- 129. (RESERVED).

130. QUARANTINE PENS.

A quarantine pen or pens shall be provided at all public livestock markets and such pens shall only be used to hold animals that have reacted to the brucellosis or tuberculosis test or animals affected with, or suspected of being affected with a contagious or infectious disease, epithelioma of the eye, or lump jaw. The pens shall comply with the following requirements: (10-1-03)T

01. Hard Surface. Hard surfaced with concrete or similar impervious material in good repair; and (10-1-03)T

02. Feed And Water. Provided with adequate feed and clean water facilities which are completely separate from all other livestock; and (10-1-03)T

03. Signage. Identified with the word "QUARANTINE" in red letters, not less than four (4) inches high, on a white background on the pen gate; and (10-1-03)T

04. Cleaning And Disinfection. Cleaned and disinfected no later than the day following date of sale; and (10-1-03)T

05. Fence Construction. The fence shall be solid, constructed by boards or other material approved by the Administrator, and shall be a minimum of five and one-half (5 ½) feet high; and (10-1-03)T

06. Drainage. Drainage shall not be onto adjoining pens, restraint facilities or alleys. (10-1-03)T

131. -- 149. (RESERVED).

150. RESTRAINT FACILITIES.

Each public livestock market shall have a restraint system, approved by the Administrator, for humanely, efficiently, and effectively restraining livestock for the purpose of inspecting, identifying, treating, or testing of animals by state

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or federal animal health officials. (10-1-03)T

151. -- 159. (RESERVED).

160. SANITARY CONDITIONS.

All pens, alleys, troughs, restraint facilities, and runways shall be kept in a sanitary condition. Operators of public livestock markets shall clean and disinfect livestock market facilities, under the supervision of a state or federal animal health official, upon request by the Administrator. (10-1-03)T

161. -- 169. (RESERVED).

170. RECORDS.

Each public livestock market shall keep sufficient records of animals presented for sale to enable state or federal animal health officials to trace such animals satisfactorily to their herd of origin, and such records shall be maintained for a minimum of five (5) years. (10-1-03)T

171. -- 299. (RESERVED).

300. APPROVED BUYING STATIONS.

No person shall operate a buying station prior to receiving written approval from the Administrator. All cattle entering the buying station shall be shipped to an approved slaughter establishment within seven (7) days of arrival at the buying station. (10-1-03)T

301. APPLICATION FOR DESIGNATION AS AN IDAHO APPROVED BUYING STATION.

Application for designation as an Idaho approved buying station shall be made on application forms provided by the Administrator. (10-1-03)T

302. ADMINISTRATOR APPROVAL.

State or federal animal health officials shall inspect all buying stations, prior to approval by the Administrator. The Administrator may take any past enforcement or violation history into consideration when making the final determination of whether or not to approve a buying station. (10-1-03)T

303. APPROVED BUYING STATION NUMBER.

Buying stations approved by the Administrator shall receive an Idaho approved buying station number. (10-1-03)T

304. EXPIRATION OF APPROVED STATUS.

Approved buying station status shall expire on June 30 of each year. It shall be the responsibility of the buying station owner or operator to apply each year for renewal of approved status. (10-1-03)T

305. REVOCATION OF APPROVED BUYING STATION STATUS.

In addition to any other Department administrative or civil action, the Administrator may withdraw or deny the approval of any buying station, by notifying the owner in writing, when one (1) or more of the following conditions exist: (10-1-03)T

01. Violation Of Record Keeping Requirements. There is evidence that the owner or operator of the buying station violated the record keeping requirements of this chapter applicable to buying stations, or animal health regulations; or (10-1-03)T

02. Inability To Trace Animals. There is an inability to trace to the point of origin those affected, exposed, or reactor animals handled by the buying station; or (10-1-03)T

03. Violations. A buying station violates any of the provisions of this chapter; or (10-1-03)T

04. Owner Request. Owners may have the approved status revoked by emptying the buying station and requesting in writing that the status be revoked; or (10-1-03)T

05. Regulation Changes. Idaho approved buying station status may be revoked at such time as

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revocation is required by changes in state or federal rules or regulations. (10-1-03)T

306. DISPOSITION OF CATTLE.

Should the Idaho approved buying station status be revoked, cattle still in the buying station shall be removed directly to an approved slaughter establishment within seven (7) days. (10-1-03)T

307. -- 309. (RESERVED).**310. IDENTIFICATION.**

All cattle shall be individually identified, to the herd of origin, with a form of identification approved by the Administrator immediately upon arrival at a buying station. Animal identification is to be maintained to slaughter and shall not be removed, tampered with, or otherwise altered. (10-1-03)T

311. -- 319. (RESERVED).**320. BUYING STATION RECORDS.**

Each buying station shall keep records of all cattle that enter, leave, or die at the facility to enable state or federal animal health officials to trace such animals satisfactorily to their herd of origin. (10-1-03)T

321. CONTENT OF RECORDS.

The content of buying station records shall include, but is not limited to: (10-1-03)T

01. Name And Address. The name and address of: (10-1-03)T

a. The owner of the cattle that enter the buying station; and (10-1-03)T

b. The person delivering the cattle to the buying station. (10-1-03)T

02. Individual Identification. Individual USDA back tag number, or other form of identification specifically approved by the Administrator, for each animal entering the buying station. (10-1-03)T

03. Premises Of Origin. The premises of origin for each animal, which shall be comprised of either the premises identification, or the physical address. (10-1-03)T

04. The Date Of Entry. The date individual cattle enter a buying station. (10-1-03)T

05. Shipment Date. Date of shipment to slaughter. (10-1-03)T

06. Destination. Name and address of approved slaughter establishment destination. (10-1-03)T

07. Death Loss. An accurate account of all death loss, including individual identification numbers, and disposition of all dead cattle. (10-1-03)T

08. Dead Animals. An accurate description, including any forms of identification, of any dead animals that are left at the approved buying station by other persons. (10-1-03)T

322. CATTLE SUBJECT TO QUARANTINE.

No cattle that have reacted to the brucellosis or tuberculosis test, or cattle affected with, or suspected of being affected with a contagious or infectious disease, epithelioma of the eye, or lump jaw shall be allowed to enter, occupy, or be sold from a buying station. (10-1-03)T

323. -- 329. (RESERVED).**330. RECORDS RETENTION.**

All records relating to cattle that are, or have been, in the buying station shall be retained for a period of not less than five (5) years. (10-1-03)T

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331. -- 339. (RESERVED).

340. FACILITIES.

An approved buying station shall meet the following facility requirements: (10-1-03)T

01. Restraint System. A restraint system, approved by the Administrator, for humanely, efficiently, and effectively restraining livestock for the purpose of inspecting, identifying, treating, or testing of animals by state or federal animal health officials. (10-1-03)T

02. Feed And Water. All cattle that are on the premises for over twelve (12) hours shall have access to a clean source of water sufficient to provide for the number of animals present, and an adequate quality and quantity of feed. (10-1-03)T

03. Pens. The facility shall be in compliance with IDAPA 02.04.15, "Rules Governing Beef Cattle Animal Feeding Operations," and pens that contain cattle remaining at the facility for over twelve (12) hours shall provide adequate pen space for the cattle to rest and ruminate, and shall provide adequate drainage. (10-1-03)T

04. Fences. All fences shall be constructed of materials, and to specifications, sufficient to prevent the escape of cattle from the facility, as determined by the Administrator. (10-1-03)T

05. Condition. All facilities shall be maintained in good repair. (10-1-03)T

341. -- 349. (RESERVED).

350. SANITATION.

All buying stations shall be maintained in a sanitary condition. The facility shall provide the necessary equipment to clean and disinfect the premises, and the owner or operator of the facility shall clean and disinfect the premises at the direction of the Administrator. (10-1-03)T

351. -- 359. (RESERVED).

360. SIGNAGE.

Each buying station shall comply with the following signage requirements: (10-1-03)T

01. Wording. Signs shall state: "All Cattle And Bison Entering This Facility Shall Go Directly To Slaughter"; and (10-1-03)T

02. Color. Lettering shall be red and not less than four (4) inches in height on a white background; and (10-1-03)T

03. Location. Signs shall be placed prominently at each entrance, exit, and cattle loading or unloading facility. (10-1-03)T

361. -- 369. (RESERVED).

370. LOCATION OF BUYING STATIONS.

All buying stations shall be located separate and apart from any other livestock handling facilities, as determined by the Administrator, that handle any livestock that are not destined to slaughter within seven (7) days. (10-1-03)T

371. -- 499. (RESERVED).

500. APPROVED LIVESTOCK DEALERS.

When the following conditions exist, livestock dealers shall not operate facilities in Idaho, except Idaho approved feedlots, without receiving prior approval from the Administrator: (10-1-03)T

01. Livestock Of Unknown Disease Status. Livestock of unknown disease status are received from the farm or ranch of origin; and (10-1-03)T

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02. Not Transported To Slaughter Or Market. All livestock are not transported directly to an approved slaughter establishment, a specifically approved livestock market, an Idaho approved feedlot, or out of the state of Idaho on the day of arrival. (10-1-03)T

501. APPLICATION FOR APPROVED LIVESTOCK DEALER STATUS.

Application for approved livestock dealer status shall be made on application forms provided by the Administrator. (10-1-03)T

502. ADMINISTRATOR APPROVAL.

The Administrator may approve livestock dealer applications after: (10-1-03)T

01. Inspection. State or federal animal health officials have inspected the dealer's facility; and (10-1-03)T

02. Adequate Facilities. The livestock dealer has demonstrated that livestock can be secured in the facility; and (10-1-03)T

03. Adequate Records. The livestock dealer's records are adequate to show the origin and disposition of the livestock that enter the facility; and (10-1-03)T

04. Past History. The Administrator may take any past enforcement or violation history into consideration when making the final determination of whether or not to approve a livestock dealer's facility. (10-1-03)T

503. APPROVED LIVESTOCK DEALER NUMBER.

The division shall use the license number issued by the State Brand Board to livestock dealers for dealer identification. (10-1-03)T

504. EXPIRATION OF APPROVED STATUS.

Approved livestock dealer status shall expire on July 1 of each year. It shall be the responsibility of the livestock dealer to apply each year for renewal of approved status. (10-1-03)T

504. -- 519. (RESERVED).

520. IDENTIFICATION.

All livestock shall be individually identified, to the herd of origin, with a form of identification approved by the Administrator immediately upon arrival at a livestock dealer's facility. Animal identification is to be maintained and shall not be removed, tampered with, or otherwise altered. (10-1-03)T

521. APPROVED FORMS OF IDENTIFICATION.

The following are approved methods of individual identification. (10-1-03)T

01. Back Tag. USDA approved back tag; or (10-1-03)T

02. Ear Tag. Official USDA ear tag; or (10-1-03)T

03. Registration Tattoo; or (10-1-03)T

04. Brand Inspection. Statement of ownership such as a brand inspection certificate. (10-1-03)T

05. Administrator Approval. The Administrator may approve other forms of identification on a case-by-case basis. (10-1-03)T

06. Removal Of Identification. No animal identification shall be removed, tampered with, or otherwise altered, except as approved by the Administrator. (10-1-03)T

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522. ANIMALS SUBJECT TO QUARANTINE.

No animals that have reacted to the brucellosis or tuberculosis test, or animals affected with, or suspected of being affected with a contagious or infectious disease, epithelioma of the eye, or lump jaw shall be allowed to enter, occupy, or be sold from a livestock dealer's premises. (10-1-03)T

523. -- 529. (RESERVED).**530. CONTENT OF RECORDS FOR APPROVED LIVESTOCK DEALERS.**

All approved livestock dealers shall keep accurate and complete records of all livestock that enter, leave, or die at the dealer's facility. These records shall readily show: (10-1-03)T

- 01. Name And Address.** The name and address of : (10-1-03)T
 - a.** The owner of the livestock prior to acquisition by the livestock dealer; and (10-1-03)T
 - b.** The person delivering the livestock to the livestock dealer. (10-1-03)T
- 02. Individual Identification.** Individual identification, approved by the Administrator, for each animal entering the livestock dealer's facility; and (10-1-03)T
- 03. Premises Of Origin.** The premises of origin for each animal, which shall be recorded as either the premises identification, or the physical address; and (10-1-03)T
- 04. The Date Of Entry.** The date the livestock entered a livestock dealer's facility. (10-1-03)T
- 05. Shipment Date.** Date of shipment out of the facility. (10-1-03)T
- 06. Destination.** Name and address of shipment destination. (10-1-03)T
- 07. Death Loss.** An accurate account of all death loss, including individual identification numbers, and disposition of the dead animal. (10-1-03)T
- 08. Dead Animals.** An accurate description of any dead animals, including any forms of identification, that are left at the livestock dealer's facilities by other persons. (10-1-03)T
- 09. Requirements.** That all applicable permit, test, examination, identification, and vaccination requirements have been met. (10-1-03)T

531. RECORDS RETENTION.

Livestock dealers shall retain their records for a period of not less than five (5) years following the removal of the livestock from the dealer's facility. (10-1-03)T

532. -- 539. (RESERVED).**540. REMOVAL REQUIREMENTS.**

All livestock that are removed from a livestock dealer's facilities shall be accompanied by a certificate of veterinary inspection issued by an accredited veterinarian prior to the livestock removal, except: (10-1-03)T

- 01. Livestock Markets.** Those animals shipped directly to a specifically approved livestock market; or (10-1-03)T
- 02. Slaughter.** Those animals shipped directly to an approved slaughter establishment; or (10-1-03)T
- 03. Approved Feedlots.** Those animals shipped directly to an Idaho approved feedlot. (10-1-03)T

541. LIVESTOCK DEALER'S DUTY.

It is the duty of livestock dealers to ensure that all livestock, removed from a livestock dealer's facility, are in

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compliance with the animal health requirements of the state of Idaho and the point of destination. (10-1-03)T

542. -- 549. (RESERVED).

550. LIVESTOCK DEALER'S FACILITIES.

Approved livestock dealer's facilities shall meet the following facility requirements: (10-1-03)T

01. Restraint System. A restraint system, approved by the Administrator, for humanely, efficiently, and effectively restraining livestock for the purpose of inspecting, identifying, treating, or testing of animals by state or federal animal health officials. (10-1-03)T

02. Feed And Water. All livestock that are on the premises for over twelve (12) hours shall have access to a clean source of water sufficient to provide for the number of animals present, and an adequate quality and quantity of feed. (10-1-03)T

03. Pens. The facility shall be in compliance with IDAPA 02.04.15, "Rules Governing Beef Cattle Animal Feeding Operations," and pens that contain livestock remaining at the facility for over twelve (12) hours shall provide adequate pen space for the livestock to rest, and shall provide adequate drainage. (10-1-03)T

04. Fences. All fences shall be constructed of materials, and to specifications, sufficient to prevent the escape of livestock from the facility, as determined by the Administrator. (10-1-03)T

05. Condition. All facilities shall be maintained in good repair. (10-1-03)T

551. -- 559. (RESERVED).

560. SANITATION.

All livestock dealer's facilities shall be maintained in a sanitary manner. The facility shall provide the necessary equipment to clean and disinfect the premises, and the livestock dealer shall clean and disinfect the premises at the direction of the Administrator. (10-1-03)T

561. -- 569. (RESERVED).

570. REVOCATION OF APPROVED STATUS.

In addition to any other Department administrative or civil action, the Administrator may withdraw or deny the approval of any livestock dealer, by notifying the dealer in writing, when one (1) or more of the following conditions exist: (10-1-03)T

01. Record Keeping Requirements. There is evidence that the livestock dealer violated the record keeping requirements of this section, or animal health regulations; or (10-1-03)T

02. Inability To Trace Animals. There is a history of repeated inability to trace to the point of origin those affected, exposed, or reactor animals that enter the livestock dealer's facility; or (10-1-03)T

03. Violations. A livestock dealer violates any of the provisions of this chapter. (10-1-03)T

04. Dealer Request. The livestock dealer may have the approved status revoked by emptying his facility and requesting in writing that the status be revoked; or (10-1-03)T

05. Regulation Changes. Approved status may be revoked at such time as revocation is required by changes in state rules or federal regulations. (10-1-03)T

571. -- 989. (RESERVED).

990. PENALTIES.

Any person who violates any of the provisions of this chapter may be subject to the criminal and civil penalties provided in Title 25, Chapters 2, 6, 17, and 35, Idaho Code. (10-1-03)T

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991. -- 998. (RESERVED).

999. MINOR VIOLATIONS.

Nothing in this chapter shall be construed as requiring the Administrator to report minor violations when the Administrator believes that the public interest will be best served by suitable warnings or other administrative action.
(10-1-03)T

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IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

02.04.27 - RULES GOVERNING DELETERIOUS EXOTIC ANIMALS

DOCKET NO. 02-0427-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 25-3903, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 3, 2003 Idaho Administrative Bulletin, Volume 03-9, page 78 through 86.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Dr. Dan Crowell or John Chatburn, Idaho Department of Agriculture, at (208) 332-8540.

DATED this 3rd day of November, 2003.

Patrick A. Takasugi, Director
Idaho State Department of Agriculture
P.O. Box 790
Boise, Idaho 83701-0790
(208) 332-8500
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IDAPA 02, TITLE 04, CHAPTER 27

RULES GOVERNING DELETERIOUS EXOTIC ANIMALS

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-9, September 3, 2003, pages 78 through 86.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

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IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE
02.04.27 - RULES GOVERNING DELETERIOUS EXOTIC ANIMALS
DOCKET NO. 02-0427-0301 (NEW CHAPTER)
NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is October 1, 2003.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 25-3903, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking has been scheduled as follows:

September 11, 2003, 7 p.m.
Nampa Civic Auditorium
311 3rd Street South, Nampa, ID 83651

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This new rule specifies which animals are classified as deleterious exotic animals and how they are regulated.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(a) and (b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This rule protects the public health, safety, and welfare, and complies with a new Section 25-3903, Idaho Code.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

NEGOTIATED RULEMAKING: Informal negotiated rulemaking was conducted with the assistance of an advisory committee comprised of persons interested in exotic animals.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Clarence Siroky, DVM, or John Chatburn, Idaho State Department of Agriculture at (208) 332-8540.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 24, 2003.

DATED this 4th day of August, 2003.

Patrick A. Takasugi, Director
Idaho State Department of Agriculture
P.O. Box 790
Boise, Idaho 83701-0790
(208) 332-8500
(208) 334-4062 FAX

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THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0427-0301

IDAPA 02
TITLE 04
CHAPTER 27

02.04.27 - RULES GOVERNING DELETERIOUS EXOTIC ANIMALS

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Title 25, Chapter 39, Idaho Code. (10-1-03)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.04.27, "Rules Governing Deleterious Exotic Animals". (10-1-03)T

02. Scope. These rules govern the designation, importation, and possession of deleterious exotic animals. The official citation of this chapter is IDAPA 02.04.27.000 et seq. For example, this Section's citation is IDAPA 02.04.27.001. (10-1-03)T

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (10-1-03)T

003. ADMINISTRATIVE APPEAL.

Persons may be entitled to appeal agency actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. (10-1-03)T

004. INCORPORATION BY REFERENCE.

01. Incorporated Documents. This chapter incorporates the following documents by reference: Code of Federal Regulations, Title 9, Parts 1, 2, 3, 4, and 161, CFR, January 1, 2003. (10-1-03)T

02. Availability Of Documents. Copies of these documents may be obtained from the Idaho State Department of Agriculture Central Office. (10-1-03)T

005. ADDRESS, OFFICE HOURS, TELEPHONE, AND FAX NUMBERS.

01. Physical Address. The central office of the Idaho State Department of Agriculture is located at 2270 Old Penitentiary Road, Boise, Idaho 83712. (10-1-03)T

02. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (10-1-03)T

03. Mailing Address. The mailing address for the central office is Idaho State Department of Agriculture, P.O. Box 790, Boise, Idaho 83701-0790. (10-1-03)T

04. Telephone Number. The telephone number for the Division of Animal Industries at the central office is (208) 332-8540. (10-1-03)T

05. Fax Number. The fax number for the Division of Animal Industries at the central office is (208) 334-4062. (10-1-03)T

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DEPARTMENT OF AGRICULTURE Rules Governing Deleterious Exotic Animals

Docket No. 02-0427-0301
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006. IDAHO PUBLIC RECORDS ACT.

These rules are public records available for inspection and copying at the Central Office of the Idaho State Department of Agriculture. (10-1-03)T

007. -- 009. (RESERVED).

010. DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this chapter. (10-1-03)T

01. Accredited Veterinarian. A veterinarian approved by the Administrator and the USDA/APHIS/VS, in accordance with provisions of Title 9, Part 161, Code of Federal Regulations, to perform functions of State-Federal animal disease control programs. (10-1-03)T

02. Administrator. The administrator of the Division of Animal Industries, Idaho State Department of Agriculture, or his designee. (10-1-03)T

03. Animal. Any member of the animal kingdom, except man. (10-1-03)T

04. Deleterious Exotic Animal. Any live animal that is not native to the state of Idaho and is determined by the Administrator to be dangerous to the environment, livestock, agriculture, or wildlife of the state. (10-1-03)T

05. Department. The Idaho State Department of Agriculture. (10-1-03)T

06. Director. The director of the Idaho State Department of Agriculture or his designee. (10-1-03)T

07. Division of Animal Industries. Idaho State Department of Agriculture, Division of Animal Industries. (10-1-03)T

08. Federal Animal Health Official. An employee of the United States Department of Agriculture, Animal Plant Health Inspection Service, Veterinary Services who is authorized to perform animal health activities. (10-1-03)T

09. Livestock. Cattle, domestic bison, swine, horses, mules, asses, domestic cervidae, sheep, goats, camelids, and ratites. (10-1-03)T

10. Operator. The person who has authority to manage or direct a premises or other area where animals are kept. (10-1-03)T

11. Owner. The person who owns or has financial control of premises or other areas where animals are kept. (10-1-03)T

12. Person. Any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, or any legal entity, which is recognized by law as the subject of rights and duties. (10-1-03)T

13. Premises. The ground, area, buildings, corrals, enclosures, pens, cages, ponds, raceways, tanks, and equipment utilized to keep, hold, or maintain animals. (10-1-03)T

14. State Animal Health Official. The Administrator, or his designee, responsible for disease control and eradication activities. (10-1-03)T

011. ABBREVIATIONS.

01. AZA. American Zoo and Aquarium Association. (10-1-03)T

02. CFR. Code of Federal Regulations. (10-1-03)T

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- 03. IDFG.** Idaho Department of Fish and Game. (10-1-03)T
- 04. ISDA.** Idaho State Department of Agriculture. (10-1-03)T
- 05. USDA.** United States Department of Agriculture. (10-1-03)T
- 012. -- 019. (RESERVED).**
- 020. APPLICABILITY.**
These rules apply to the importation and possession of all deleterious exotic animals in Idaho. (10-1-03)T
- 021. DELEGATION OF AUTHORITY.**
The Administrator may designate IDFG to conduct permitting activities for deleterious exotic animals. (10-1-03)T
- 022. INSPECTIONS.**
In order to ascertain compliance with this chapter, the Administrator is authorized to enter and inspect premises and other areas where animals are held or kept. (10-1-03)T
- 01. Entering Premises.** State or federal animal health officials will attempt to notify the owner or operator of the premises or other area prior to conducting an inspection. (10-1-03)T
- 02. Emergencies.** In the event of an emergency, as determined by the Administrator, the notification requirements of Section 022 of this rule may be waived. (10-1-03)T
- 023. -- 099. (RESERVED).**
- 100. IMPORTATION OF DELETERIOUS EXOTIC ANIMALS.**
No person shall import any deleterious exotic animals into Idaho, except by permit. The Administrator may authorize, by permit, the importation of deleterious exotic animals to: (10-1-03)T
- 01. Zoos.** Public or private zoos accredited by the AZA. (10-1-03)T
- 02. Educational Institutions.** Public or private institutions of higher education, for research purposes. (10-1-03)T
- 03. Research Facilities.** Persons conducting research determined by the Administrator to be beneficial to agriculture, the environment, or wildlife. (10-1-03)T
- 04. USDA Licensed Facilities.** Zoos and exhibitors open to the public, licensed by USDA pursuant to Title 9, Parts 1, 2, 3, and 4, CFR, and approved by the Administrator. (10-1-03)T
- 101. CIRCUSES AND TRAVELING EXHIBITIONS.**
The Administrator may authorize, by permit, the importation and possession of deleterious exotic animals by circuses and other traveling exhibitions licensed by USDA. (10-1-03)T
- 01. Period of Validity.** Import permits, issued pursuant to Section 101, shall be valid for no more than fourteen (14) days. (10-1-03)T
- 02. Removal.** All deleterious exotic animals imported pursuant to Section 101, shall be removed from Idaho prior to the expiration of the import permit. (10-1-03)T
- 03. Time Extension.** The Administrator may extend the time limits in Section 101 of this rule on a case-by-case basis. (10-1-03)T
- 102. IMPORT PERMIT AND CERTIFICATE OF VETERINARY INSPECTION.**
All deleterious exotic animals imported pursuant to Sections 100 or 101 of this rule shall be accompanied in transit by

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an import permit issued by the Administrator, any permits required by the Idaho Department of Fish and Game, and an official certificate of veterinary inspection. (10-1-03)T

103. CONTENTS OF CERTIFICATES OF VETERINARY INSPECTION.

All certificates shall be written, legible, and attest that the animal(s) meet the importation requirements of the state of Idaho. The certificate shall be on an official form of the state of origin, be approved by its livestock sanitary official, and be issued by an accredited veterinarian. An equivalent form of the USDA issued by a federal animal health official is acceptable in lieu of a certificate of veterinary inspection. All certificates shall contain the following information: (10-1-03)T

- 01. Name And Address.** Name and address of the consignor and consignee; and (10-1-03)T
- 02. Origin Of Shipment.** Including city and state; and (10-1-03)T
- 03. Final Destination.** Final destination of shipment in Idaho, including city; and (10-1-03)T
- 04. Description Of Animals.** An accurate description and identification of each animal; and (10-1-03)T
- 05. Purpose Of Shipment.** The purposes for which the animals were shipped; and (10-1-03)T
- 06. Method of Transportation;** and (10-1-03)T
- 07. Health Status.** The certificate shall indicate the health status of the animals involved including dates and results of inspection and of tests and vaccinations, if any, required by the state of Idaho; and (10-1-03)T
- 08. Signature.** The signature of the accredited veterinarian, or state or federal animal health official, conducting the veterinary inspection. (10-1-03)T
- 09. Submission of Certificate.** The required copies of certificates of veterinary inspection or other approved certificates shall submitted, within thirty (30) days of inspection, to the Division. (10-1-03)T
- 10. Period Of Certificate Validity.** Certificates of veterinary inspection shall be valid for no longer than thirty (30) days after the date of inspection. (10-1-03)T

104.-- 109. (RESERVED).

110. DECLARATION OF EXISTING DELETERIOUS EXOTIC ANIMALS.

Any person that possesses deleterious exotic animals shall declare those animals to the Administrator, in writing, on a form provided by the Division of Animal Industries prior to June 30, 2004. The declaration form shall be filled out accurately, legibly, and completely. (10-1-03)T

111. POSSESSION PERMIT REQUIRED.

Effective July 1, 2004, no person shall possess a deleterious exotic animal without a possession permit signed by the Administrator. (10-1-03)T

- 01. Existing Deleterious Animals.** The Administrator may authorize possession permits for existing deleterious exotic animals on a case-by-case basis. (10-1-03)T
- 02. Permit Applications.** Possession permit applications shall be on a form prescribed by the Administrator and obtained from the Division of Animal Industries. (10-1-03)T
- 03. Deadline For Application.** Possession permit applications for existing deleterious exotic animals shall be received by the Administrator prior to June 30, 2004. (10-1-03)T
- 04. Exceptions.** The Administrator may grant exceptions to the requirements of Section 111, or extensions of the time limits set in Section 111, on a case-by-case basis. (10-1-03)T

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112. -- 119. (RESERVED).

120. IDENTIFICATION OF DELETERIOUS EXOTIC ANIMALS.

All deleterious exotic animals in Idaho shall be officially identified with permanent types of identification, approved by the Administrator. (10-1-03)T

121.-- 149. (RESERVED).

150. PROPAGATION OF DELETERIOUS EXOTIC ANIMALS.

No person shall propagate any deleterious exotic animals in Idaho. The Administrator may authorize, by permit, the following entities to propagate deleterious exotic animals: (10-1-03)T

01. Zoos. Public or private zoos accredited by the AZA. (10-1-03)T

02. Educational Institutions. Public or private institutions of higher education, for research purposes. (10-1-03)T

03. Research Facilities. Persons conducting research determined by the Administrator to be beneficial to agriculture, the environment, or wildlife. (10-1-03)T

04. USDA Licensed Facilities. Zoos and exhibitors, open to the public, licensed by USDA pursuant to Title 9, Parts 1, 2, 3, and 4, CFR, and approved by the Administrator. (10-1-03)T

05. Existing Operations. Persons that have declared under Section 110 and that possess deleterious exotic animals under Section 111 may be permitted to propagate deleterious exotic animals on a case-by-case basis. (10-1-03)T

151. -- 199. (RESERVED).

200. CONFINEMENT OF DELETERIOUS EXOTIC ANIMALS.

All deleterious exotic animals shall be confined in appropriate facilities, as determined by the Administrator. These facilities shall be constructed and maintained to: (10-1-03)T

01. Prevent Escape. Prevent the escape of deleterious exotic animals. (10-1-03)T

02. Prevent Ingress Of Wildlife. Prevent the ingress of free ranging wildlife that could be negatively impacted by the confined deleterious exotic animals. (10-1-03)T

03. Assure Animal Care. Assure the appropriate level of animal care. (10-1-03)T

201. -- 299. (RESERVED).

300. DISPOSITION OF DELETERIOUS EXOTIC ANIMALS WITHIN IDAHO.

No person shall sell, barter, trade, change ownership, or release into the wild within Idaho, any deleterious exotic animal except: (10-1-03)T

01. To Permitted Facilities. Deleterious exotic animals may be sold, bartered, traded, or given to a zoo, educational institution, USDA licensed facility, or research facility that has a possession permit pursuant to Section 111. (10-1-03)T

02. Between Permitted Facilities. Zoos, educational institutions, USDA licensed facilities, or research facilities that have a possession permit, pursuant to Section 111 of this rule, may sell, trade, barter, or exchange deleterious exotic animals with other zoos, educational institutions, USDA licensed facilities, or research facilities that have possession permits pursuant to Section 111. (10-1-03)T

301. EXPORT OF DELETERIOUS EXOTIC ANIMALS.

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Any deleterious exotic animals exported from Idaho shall meet all applicable federal regulations for the interstate movement of animals. (10-1-03)T

302. -- 309. (RESERVED).

310. DEAD ANIMALS.

All deleterious exotic animals that die, or are euthanized, shall be disposed of in accordance with IDAPA 02.04.17 "Rules Governing Dead Animal Movement and Disposal". (10-1-03)T

311. -- 399. (RESERVED).

400. DELETERIOUS EXOTIC ANIMALS - INVERTEBRATES.

- | | | |
|-----|--|------------|
| 01. | Zebra Mussel (<i>Dreissenia polymorpha</i>). | (10-1-03)T |
| 02. | New Zealand Mud Snail (<i>Potamopyrgus antipodarum</i>). | (10-1-03)T |
| 03. | Red Claw Crayfish. | (10-1-03)T |
| 04. | Yamabe Crayfish. | (10-1-03)T |
| 05. | Marone Crayfish. | (10-1-03)T |

401. -- 499. (RESERVED).

500. DELETERIOUS EXOTIC ANIMALS - FISH.

- | | | |
|-----|--|------------|
| 01. | Green Sturgeon (<i>Acipenser medirostris</i>). | (10-1-03)T |
| 02. | Walking Catfish (<i>Clariidae</i>). | (10-1-03)T |
| 03. | Bowfin (<i>Ania Calva</i>). | (10-1-03)T |
| 04. | Gar (<i>Lepiostidae</i>). | (10-1-03)T |
| 05. | Piranhas (<i>Serrasalmus spp.</i> , <i>Rosseveltiella spp.</i> , <i>Pygocentrus spp.</i>). | (10-1-03)T |
| 06. | Rudd (<i>Scardinius erythrophthalmus</i>). | (10-1-03)T |
| 07. | Ide (<i>Leuciscus idus</i>). | (10-1-03)T |
| 08. | Grass Carp (<i>Ctenopharyngodon idella</i>). Diploid grass carp. | (10-1-03)T |
| 09. | Bighead Carp (<i>Hypophthalmichthys nobilis</i>). | (10-1-03)T |
| 10. | Silver Carp (<i>Hypophthalmichthys molitrix</i>). | (10-1-03)T |
| 11. | Black Carp (<i>Mylopharyngodon piceus</i>). | (10-1-03)T |
| 12. | Snakeheads (<i>Channa spp.</i> , <i>Parachanna spp.</i>). | (10-1-03)T |

501. -- 599. (RESERVED).

600. DELETERIOUS EXOTIC ANIMALS - AMPHIBIANS.

601. -- 649. (RESERVED).

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650. DELETERIOUS EXOTIC ANIMALS - REPTILES.

651. -- 699. (RESERVED).

700. DELETERIOUS EXOTIC ANIMALS - BIRDS.

01. Mute Swan (*Cygnus olor*). Mute swans except those that have been pinioned. (10-1-03)T

701. -- 799. (RESERVED).

800. DELETERIOUS EXOTIC ANIMALS - MAMMALS.

01. Red Deer (*Cervus elaphus elaphus*). (10-1-03)T

02. Sika Deer (*Cervus nippon*). (10-1-03)T

03. European or Russian Wild Boar (*Sus scrofa*). (10-1-03)T

04. Brush Tailed Possum (*Trichsurus vulpecula*). (10-1-03)T

05. European Hedgehog (*Erinaceus*). (10-1-03)T

06. Nutria (*Myocastor coypus*). (10-1-03)T

07. Prairie Dogs (*Cynomys*). (10-1-03)T

08. African Tree Squirrels (*Heliosciurus*). (10-1-03)T

09. African Rope Squirrels (*Funisciurus*). (10-1-03)T

10. African Dormices (*Graphiurus*). (10-1-03)T

11. Gambian Giant Pouched Rats (*Cricetomys*). (10-1-03)T

12. Brush-tailed Porcupines (*Atherurus*). (10-1-03)T

13. African Striped Mice (*Hybomys*). (10-1-03)T

14. Peccary (*Tayassuidae*). (10-1-03)T

15. Capybara (*Hydrochoerus hydrochaeris*). (10-1-03)T

16. Barbary Sheep (*Ammotragus lervia*). (10-1-03)T

17. Lion (*Panthera leo*). (10-1-03)T

18. Tiger (*Panthera tigris*). All tigers. (10-1-03)T

19. Leopard (*Panthera pardus*). All leopards. (10-1-03)T

21. Jaguar (*Panthera onca*). (10-1-03)T

22. Cheetah (*Acinonyx jubatus*). (10-1-03)T

23. Serval (*Felis cerval*). (10-1-03)T

24. Caracal (*Felis caracal*). (10-1-03)T

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DEPARTMENT OF AGRICULTURE
Rules Governing Deleterious Exotic Animals**Docket No. 02-0427-0301**
Temporary and Proposed Rulemaking

- | | | |
|-----|--|------------|
| 25. | Ocelot. | (10-1-03)T |
| 26. | Margay. | (10-1-03)T |
| 27. | Jeoffroy's Cat. | (10-1-03)T |
| 25. | South American Rodents. All South American rodents except guinea pigs. | (10-1-03)T |
| 26. | Mouflon Sheep (<i>Ovis musimon</i>). | (10-1-03)T |

801. -- 899. (RESERVED).

900. ADDITIONAL REQUIREMENTS.

The Administrator may add additional animals to the deleterious exotic animals list in this chapter by issuing a written order listing animals and the reasons for adding them to the deleterious exotic animals list. (10-1-03)T

901. -- 989. (RESERVED).

990. PENALTIES FOR VIOLATIONS.

Any person who violates the provisions of this chapter shall be subject to the penalty provisions of Section 25-3905, Idaho Code. (10-1-03)T

991. -- 998. (RESERVED).

999. MINOR VIOLATIONS.

Nothing in this chapter shall be construed as requiring ISDA to report minor violations when ISDA believes that the public interest will be best served by suitable warnings or other administrative action. (10-1-03)T

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IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.06.25 - SMALL LEGUME SEEDS

DOCKET NO. 02-0625-0301 - (CHAPTER REPEAL)

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. The pending rule becomes final and effective after the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. After the pending rule is approved, rejected, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Sections 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 69-231, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 1, 2003 Idaho Administrative Bulletin, Volume 03-10, page 29.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Russel Dapsauski, Warehouse Control Program Manager, at (208) 332-8612.

DATED this 18th day of November, 2003.

Michael E. Cooper, Acting Director
Department of Agriculture
2270 Old Penitentiary Road
PO Box 790, Boise, Idaho 83701
Phone: 208-332-8500 / Fax: 208-334-2170

THIS CHAPTER IS REPEALED IN ITS ENTIRETY

IDAPA 02, TITLE 06, CHAPTER 25

SMALL LEGUME SEEDS

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-10, October 1, 2003, page 29.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

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IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

02.06.25 - SMALL LEGUME SEEDS

DOCKET NO. 02-0625-0301

NOTICE OF RULEMAKING - PROPOSED RULE

(REPEAL OF CHAPTER)

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 69-231, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2003.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The purpose of this rule is to repeal IDAPA 02.06.25, "Small Legume Seeds". "Small legume seeds" were removed from the definition of Agricultural Commodities in Title 69, Chapter 2, Idaho Code, effective July 2002, as a result of Title 22, Chapter 51 Idaho Code, Seed Indemnity Fund Law becoming effective.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:
There are no fees imposed by this rule.

NEGOTIATED RULEMAKING: Negotiated rulemaking was not conducted because seeds were removed from the definition of Agricultural Commodities in Title 69, Chapter 2, Idaho Code on July 1, 2002.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Russell Dapsauski, Program Manager at 332-8612.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2003.

DATED this 20th day of August, 2003.

Patrick A. Takasugi, Director
Idaho State Department of Agriculture
2270 Old Penitentiary Rd.
Boise, ID 83701
(208) 332-8500
(208) 334-2170 Fax

IDAPA 02.06.25 IS BEING REPEALED IN ITS ENTIRETY

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IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

02.06.26 - RULES GOVERNING SEED POTATO CROP MANAGEMENT AREAS

DOCKET NO. 02-0626-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 22-2017, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

To define the geographical boundaries for a new Seed Potato Crop Management Area in Blaine County.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the July 2, 2003 Idaho Administrative Bulletin, Volume 03-7, pages 29 through 31.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Michael E. Cooper, Acting Administrator at (208) 332-8620.

DATED this 3rd day of November, 2003.

Patrick A. Takasugi
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790
Boise, Idaho 83701
Phone: (208) 332-8500
Fax: (208) 334-2170

IDAPA 02, TITLE 06, CHAPTER 26

RULES GOVERNING SEED POTATO CROP MANAGEMENT AREAS

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-7, July 2, 2003, pages 29 and 31.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

2004 - Agriculture Senate Pending Rule (Yellow)

IDAPA 02 - IDAHO STATE DEPARTMENT OF AGRICULTURE

02.06.26 - RULES GOVERNING SEED POTATO CROP MANAGEMENT AREAS

DOCKET NO. 02-0626-0301

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is May 30, 2003.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 22-2017, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 16, 2003.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The proposed amendment will define the geographical boundaries for a new Seed Potato Crop Management Area in Blaine County.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)c, Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The proposed area needs to be defined and in force for the 2003 growing season.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

No fees are being requested.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Michael E. Cooper, Acting Administrator at (208) 332-8620.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 23, 2003.

DATED this 23rd day of May, 2003.

Mike Everett, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790, Boise, Idaho 83701
Phone: (208) 332-8503
Fax: (208) 334-2170

THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0626-0301

2004 - Agriculture Senate Pending Rule (Yellow)

020. SEED POTATO CROP MANAGEMENT AREAS.

01. Fremont Seed Potato Crop Management Area. That portion of Fremont county described as follows: Beginning at a point which is the southwest corner of Section 16, Township 7 North, Range 43 East, Boise, Meridian, Fremont County, Idaho; Thence north approximately 1 mile to the northwest corner of Section 16, Township 7 North, Range 43 East; Thence west approximately 2 miles to the southwest corner of Section 7, Township 7 North, Range 43 East; Thence north approximately 1 mile to the northwest corner of Section 7, Township 7 North, Range 43 East; Thence west approximately 3 miles to the southwest corner of Section 3, Township 7 North, Range 42 East; Thence north approximately 2 miles to the northwest corner of Section 34, Township 8 North, Range 42 East; Thence west approximately 2 miles to the southwest corner of Section 29, Township 8 North, Range 42 East; Thence north approximately 1-3/8 miles to the center line of Fall River; Thence northwest along Fall River approximately 1-1/8 miles to where Fall River intersects the west line of Section 8, Township 8 North, Range 41 East; Thence north approximately 1-7/8 miles to the northwest corner of Section 7, Township 18 North, Range 41 East; Thence west approximately 2 miles to the southwest corner of Section 2, Township 8 North, Range 41 East; Thence north approximately 1 mile to the northwest corner of Section 2, Township 8 North, Range 41 East; Thence west approximately 1/4 of 1 mile; Thence north along an existing road approximately 4 miles; Thence northeasterly along said road approximately 1-1/10 miles to the northwest corner of Section 11, Township 9 North, Range 41 East; Thence north approximately 1 mile to the northwest corner of Section 2, Township 9 North, Range 41 East; Thence east approximately 14 miles to the northeast corner of Section 1, Township 9 North, Range 43 East; Thence south approximately 2 miles to the southeast corner of Section 12, Township 9 North, Range 43 East; Thence east approximately 4 miles to the northeast corner of Section 15, Township 9 North, Range 44 East, which is the west boundary line of the Targhee National Forest; Thence south along said forest boundary approximately 3 miles to the southeast corner of Section 27, Township 9 North, Range 44 East; Thence east continuing along said forest boundary approximately 2 miles to the northeast corner of Section 36, Township 9 North, Range 44 East; Thence south along said forest boundary approximately 1 mile to the east 1/4 corner of Section 1, Township 8 North, Range 44 East; Thence east continuing along said forest boundary approximately 2 miles to the east 1/4 corner of Section 5, Township 8 North, Range 45 East; Thence south continuing along said forest boundary approximately 5 miles to the east 1/4 corner of Section 32, Township 8 North, Range 45 East; Thence east continuing along said forest boundary approximately 1-1/2 miles to the center of Section 34, Township 8 North, Range 45 East; Thence south continuing along said forest boundary approximately 1-1/8 miles to the center line of Bitch Creek; Thence southwesterly along the center line of Bitch Creek approximately 10-1/2 miles to the confluence of Bitch Creek with the Teton River; Thence westerly 8 miles along the center line of the Teton River to the west line of Section 21, Township 7 North, Range 43 East; Thence north approximately 1/10 of a mile to the southwest corner of Section 16, Township 7 North, Range 43 East and the point of beginning. (5-3-03)

02. Teton And Portions Of Madison County Seed Potato Crop Management Area. (5-3-03)

a. All of Teton County, Idaho; (5-3-03)

b. That portion of Madison County, Idaho, located in Township 6 North and Township 7 North lying East of Canyon Creek; and (5-3-03)

c. That portion of Madison County, Idaho located in Township 6 North, Range 42 East which includes portions of Sections 11 and 13 located south of Highway 33 and all of Sections 14, 15, 23, and 24. (5-3-03)

03. Lost River Seed Potato Crop Management Area. Those portions of Butte and Custer Counties within Township 3 North to Township 7 North and Range 23 East to Range 27 East. (5-3-03)

04. Caribou And Franklin County Seed Potato Crop Management Area. All of Caribou County, Idaho and all of Franklin County, Idaho. (5-3-03)

05. Almo Valley Bridge Seed Potato Crop Management Area. (5-3-03)

a. That portion of Cassia County, Idaho located in Township 16 South, Range 24 East which includes all of Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36; (5-3-03)

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IDAHO DEPARTMENT OF AGRICULTURE Seed Potato Crop Management Areas

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b. That portion of Cassia County, Idaho located in Township 15 South, Range 24 East which includes all of Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36; (5-3-03)

c. That portion of Cassia County, Idaho located in Township 14 South, Range 24 East which includes all of Section 36; (5-3-03)

d. That portion of Cassia County, Idaho located in Township 14 South, Range 25 East which includes all of Sections 19, 20, 29, 30, 31, and 32; (5-3-03)

e. That portion of Cassia County, Idaho located in Township 15 South, Range 25 East which includes all of Sections 5, 6, 7, 8, 18, 19, 20, 29, 30, 31, 32 and the Northeast ¼ of Section 33; (5-3-03)

f. That portion of Cassia County, Idaho located in Township 16 South, Range 25 East which includes all of Sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 29, 30, 31, 32, 33, 34, 35, and 36; (5-3-03)

g. That portion of Cassia County, Idaho located in Township 16 South, Range 26 East; and (5-3-03)

h. That portion of Cassia County, Idaho located in Township 16 South, Range 27 East which includes all of Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, and 30. (5-3-03)

06. Ririe Reservoir Seed Potato Crop Management Area. (5-3-03)

a. That portion of Bonneville County, Idaho located in Township 3 North, Range 40 East which includes all of Sections 19, 20, 21, 22, 25, 26, 27, 28, 29, 30, 31, 33, 34, 35, and 36; (5-3-03)

b. That portion of Bonneville County, Idaho located in Township 3 North, Range 41 East which includes all of Sections 8, 15, 16, 17, 18, 20, 21, 22, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36; (5-3-03)

c. That portion of Bonneville County, Idaho located in Township 2 North, Range 42 East which includes all of Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34; and (5-3-03)

d. That portion of Bonneville County, Idaho located in Township 3 North, Range 42 East which includes all of Sections 31, 32, and 33. (5-3-03)

07. Picabo Seed Potato Crop Management Area. That portion of Blaine County, Idaho beginning with Township 1S, in Range 18, all of sections 23 and 24, leading into Township 1N, in Range 19 all of sections: 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, and 34. Leading into Township 1S, in Range 19, the W ½ of section 1, and all of sections: 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29. Leading into Township 1S, Range 20, all of sections: 7, 8, 11, 12, 13, 16, 17, 18, 19, 20, 21, 22, 26, 27, 28, 29, 30, 35, and 36, including the N ½ of Sections 33 and 34. Leading into Township 2S, Range 20, all of sections 1, 2, and 12. Leading into Township 1S, Range 21, all of sections: 3, 4, 5, 6, 7, 8, 9, 10, 16, 17, 18, 19, 20, W ½ of section 28, and all of sections 29, 30, 31, 32, and the NW ¼ of section 33, from Hwy 20 North, plus section 21 from Dry Creek Road North. Leading into Township 2S, Range 21, all of the W ½ of section 3, and all of the following sections: 4, 5, 6, 7, 8, E ½ of section 9, all of sections 17, 18, 19, 20, 21, 28, 29, 30, and 31, W ½ and the SE ½ of the NE ¼ of section 10. Leading into Township 1N, Range 21, all of sections: 30, 31, and 32. All U.S. Department of the Interior, Bureau of Land Management property and property owned by the state of Idaho existing within the above mentioned areas will not be considered part of the management area. (5-30-03)T

2004 - Agriculture Senate Pending Rule (Yellow)

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

02.06.40 - RULES GOVERNING GINSENG EXPORT

DOCKET NO. 02-0640-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 22-112, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

To change the title and authority for the rule and eliminate the requirement for a management area.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the July 2, 2003 Idaho Administrative Bulletin, Volume 03-7, pages 32 and 33.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Michael E. Cooper, Acting Administrator at (208) 332-8620.

DATED this 3rd day of November, 2003.

Patrick A. Takasugi
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790
Boise, Idaho 83701
Phone: (208) 332-8500
Fax: (208) 334-2170

IDAPA 02, TITLE 06, CHAPTER 40

RULES GOVERNING GINSENG EXPORT

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-7, July 2, 2003, pages 32 and 33.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

2004 - Agriculture Senate Pending Rule (Yellow)

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

02.06.40 - RULES GOVERNING GINSENG CROP MANAGEMENT AREA FOR MAGIC VALLEY

DOCKET NO. 02-0640-0301

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is June 2, 2003.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 22-112, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 16, 2003.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The proposed amendment will change the title and authority for the rule and eliminate the requirement for a management area.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This amendment is pursuant to new authority as provided for by HB 298 passed by the 2003 Legislature. This amendment will allow a grower to immediately enter the program, and upon compliance, begin to export.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

No fees are being requested.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Michael E. Cooper, Acting Administrator at (208) 332-8620.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 23, 2003.

DATED this 23rd day of May, 2003.

Mike Everett, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790
Boise, Idaho 83701
Phone: (208) 332-8503
Fax: (208) 334-2170

2004 - Agriculture Senate Pending Rule (Yellow)

THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0640-0301

IDAPA 02, TITLE 06, CHAPTER 40

02.06.40 - RULES GOVERNING GINSENG ~~CROP MANAGEMENT AREA FOR MAGIC VALLEY~~ EXPORT

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Title 22, Chapter ~~201~~, Section 22-112, Idaho Code.

~~(5-3-03)~~(6-2-03)T

001. TITLE AND SCOPE.

01. **Title.** The title of this chapter is IDAPA 02.06.40, "Rules Governing Ginseng ~~Crop Management Area for Magic Valley~~ Export".

~~(5-3-03)~~(6-2-03)T

02. **Scope.** This chapter has the following scope: (3-30-01)

a. Establish definitions; (3-30-01)

b. Provide for licensing and registration of persons growing, purchasing and selling ginseng; (3-30-01)

c. Provide for inspections and accounting for all ginseng exported from Idaho; (3-30-01)

d. Specify the records to be kept by ginseng growers and dealers; and (3-30-01)

e. Provide a schedule of fees for services performed in implementing these rules. (3-30-01)

f. The official citation for this Chapter is IDAPA 02.06.40.000 et seq. For example, this section's citation is IDAPA 02.06.40.001. (5-3-03)

(BREAK IN CONTINUITY OF SECTIONS)

~~051. MANAGEMENT AREA.~~

~~Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka and Twin Falls Counties, state of Idaho.~~ (3-30-01)

0521. -- 099. (RESERVED).

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IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

02.08.01 - SHEEP AND GOATS RULES OF THE IDAHO BOARD OF SHEEP COMMISSIONERS

DOCKET NO. 02-0801-0301

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rules is November 12, 2002.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Title 25, Chapter 1, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than January 15, 2003.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This proposed rule will provide the ability for the Idaho Sheep Commission to control scrapie, a fatal neurological disease of sheep and goats. The changes are being made to be consistent with new federal scrapie rules.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: The changes are being made to be consistent with new federal scrapie rules in Title 9, Parts 54 and 79, The Code of Federal Regulations, January 1, 2002.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Stan Boyd, Idaho Sheep Commission, at 208-334-3115; or Dr. Bob Hillman, Idaho Department of Agriculture, at 208-332-8540.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before January 22, 2003.

DATED this 12th day of November, 2002.

Stanley T. Boyd, Executive Secretary
Idaho Sheep Commission
802 W. Bannock St., Ste. 205
P.O. Box 2596, Boise, ID 83701
208-334-3115
208-336-9447 FAX

THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0801-0301

2004 - Agriculture Senate Pending Rule (Yellow)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is the "Sheep and Goat Rules of the Idaho Board of Sheep Commissioners;" ~~hereafter referred to as "Board"~~. (3-19-99)(11-12-02)T

02. Scope. ~~This chapter has the following scope:~~ These rules shall govern procedures for the prevention, control and eradication of diseases among sheep and goats, the interstate and intrastate movement of sheep and goats and the assessment of fees on sheep and goats to provide resources to carry out these functions. The official citation of this chapter is IDAPA 02.08.01, Section 000 et. seq. For example, this Section's citation is IDAPA 02.08.01, Section 001. (3-19-99)(11-12-02)T

(BREAK IN CONTINUITY OF SECTIONS)

SECTION 004 HAS BEEN RENUMBERED TO 010

004. INCORPORATION BY REFERENCE.

Copies of the following documents may be obtained from the Idaho State Department of Agriculture Division of Animal Industries and the State Law Library. IDAPA 02.08.01 incorporates by reference: (11-12-02)T

01. The Code Of Federal Regulations Title 9, Parts 54.1, 54.2, 54.8, 54.9, 54.10, 54.11, 54.20, 54.21, 54.22 and 79, January 1, 2002. (11-12-02)T

02. The Voluntary Scrapie Flock Certification Program Standards, USDA, July 1, 1999. (11-12-02)T

03. The Code Of Federal Regulations, Title 9, Part 161, January 1, 2002. (11-12-02)T

005. ADDRESS, OFFICE HOURS, TELEPHONE, AND FAX NUMBERS.

01. Physical Address. The central office of the Idaho State Sheep Commission is located at 802 West Bannock Street, Suite 205, Boise, Idaho 83701. (11-12-02)T

02. Office Hours. Office hours are 8:30 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (11-12-02)T

03. Mailing Address. The mailing address for the Idaho State Sheep Commission is Idaho State Sheep Commission, P.O. Box 2596, Boise, Idaho 83701. (11-12-02)T

04. Telephone Number. The telephone number of the Idaho State Sheep Commission is (208) 334-3115. (11-12-02)T

05. Fax Number. The fax number of the Idaho State Sheep Commission is (208) 334-3115. (11-12-02)T

006. IDAHO PUBLIC RECORDS ACT.

These rules are public records available for inspection and copying at the Idaho State Sheep Commission, the Idaho State Department of Agriculture and the State Law Library. (11-12-02)T

0057. -- 009. (RESERVED).

SECTION 010 HAS BEEN RENUMBERED AND MOVED TO SECTION 100

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~~0040~~10. DEFINITIONS.

01. Accredited Veterinarian. A veterinarian approved by the Administrator and USDA/APHIS/VS in accordance with provisions of Title 9, Part 161, Code of Federal Regulations to perform functions of State-Federal animal disease control programs. (11-12-02)T

02. Administrator. The administrator of the Division of Animal Industries, Idaho State Department of Agriculture or his designee. (11-12-02)T

03. Animals. All vertebrates, except humans. (11-12-02)T

04. Authorized Federal Inspector. An employee of USDA authorized by the Board to perform the functions of the Idaho State Sheep Commission. (11-12-02)T

05. Authorized State Inspector. An employee of the state of Idaho authorized by the Board to perform the functions of the Idaho State Sheep Commission. (11-12-02)T

06. Board. The Idaho Board of Sheep Commissioners or its designee. (11-12-02)T

07. Blackface Breeding Stock. Intact male or female sheep ~~of blackface breeds and intact male or female sheep that are crosses of blackface and other breeds of sheep~~ or goats of any age. (3-19-99)(11-12-02)T

08. Brucellosis. An infectious disease of animals and humans caused by bacteria of the genus *Brucella*. (11-12-02)T

09. Brucella Ovis Test Positive. An animal that tests in the positive range on an approved *Brucella ovis* ELISA test. (11-12-02)T

10. Brucella Ovis Test Suspect. An animal that tests in the suspect range on an approved *Brucella ovis* ELISA test. (11-12-02)T

11. Brucella Ovis Test Negative. An animal that tests in the negative range on an approved *Brucella ovis* ELISA test. (11-12-02)T

12. Certificate. An official certificate of veterinary inspection or other approved certificate issued by an accredited veterinarian, state or federal animal health official, or other approved official at the point of origin of the shipment of animal(s) being imported. (11-12-02)T

13. Commercial Low-Risk Goats. Intact or castrated goats, raised for fiber or meat, that are not registered or exhibited, that are not scrapie positive, suspect, high risk, or exposed animals and that have not been exposed to sheep or are not from a state that has scrapie in goats. (11-12-02)T

14. Contemporary Lambing Group. The time from the first birth to sixty (60) days post birthing of the entire group in a given lambing season. (11-12-02)T

15. Department. The Idaho State Department of Agriculture. (11-12-02)T

16. Division Of Animal Industries. Idaho State Department of Agriculture, Division of Animal Industries. (11-12-02)T

17. Exposed. Animals that have had direct contact with other animals, herds, or materials that have been determined to be infected with or affected by any infectious, contagious, or communicable disease. (11-12-02)T

18. Federal Animal Health Official. An employee of USDA/APHIS/VS who has been authorized to perform animal health activities. (11-12-02)T

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IDAHO DEPARTMENT OF AGRICULTURE Sheep and Goat Rules

Docket No. 02-0801-0301 Temporary and Proposed Rulemaking

0219. Flock. ~~For the purpose of these rules, the terms~~ Flock or flocks shall be interchangeable with the terms herd or herds and denote a group of one (1) or more animals that are fed, housed and birthed together on the same premises, or animals maintained in separate geographic areas that have interchange at or around the time of birth. Changes in ownership of a flock do not change the identity of the flock or the regulatory requirements applicable to the flock. (3-19-99)(11-12-02)T

20. Flock Plan. A written flock management agreement signed by the owner, his accredited veterinarian if there is one, a representative of the Division of Animal Industries, and an APHIS representative in which each signatory agrees to undertake action specified in the Flock Plan to eradicate or control scrapie as defined in 9 CFR Part 54.8 a-f. Goats exposed to scrapie will be subjected to the same rules as sheep. (11-12-02)T

21. Goats Requiring Premises/Flock Identification Number. Sexually intact goats or goats that have resided on the same premises as sheep or any other goats not defined in Subsection 010.13. (11-12-02)T

0322. Idaho Premises/Flock Identification Number. A unique ~~flock~~ identification number or alphanumeric designation approved by APHIS, and assigned by the Board to ~~the owner of~~ each premises/flock of ~~blackface~~ breeding sheep or goats, as defined in Subsection 010.21, in the state of Idaho. (3-19-99)(11-12-02)T

23. Low Risk Commercial Sheep. Commercial whiteface, whitefaced cross, or commercial hair sheep from a flock with no known risk factors for scrapie, including any exposure to female blackfaced sheep, that are identified with a permanent brand or ear notch pattern registered with an official brand registry and that are not scrapie-positive, suspect, high-risk, or exposed animals and are not animals from an infected, source, or exposed flock. (11-12-02)T

24. Negative. Animals are classified as negative when they have been subjected to official tests for a disease, and the tests performed have failed to disclose evidence of the disease. (11-12-02)T

0425. Official Individual Identification. The unique identification of individual animals with an alpha numeric number applied as a ~~tamper proof~~ tag, a legible tattoo, electronic device, or ~~any other tag~~ device approved by ~~USDA or the Board~~ APHIS. The Idaho Premises/Flock Identification number can serve as the official individual identification number if it contains a unique individual animal number in addition to the Idaho premises/flock identification number. (3-19-99)(11-12-02)T

26. Post Exposure Monitoring And Management Plan. A monitoring plan which includes a written agreement signed by the owner of the flock and a representative of the Division of Animal Industries and an APHIS representative in which each participant agrees to undertake actions specified in the agreement to monitor for the occurrence of scrapie in the flock for at least five (5) years after an approved Flock Plan has been completed. The PEMMP requires at least once a year flock inspections and prompt reporting of any animal over fourteen (14) months of age which dies in the flock so that some of these animals can be selected and submitted for scrapie testing. The Plan also includes the requirements outlined in 9 CFR Part 54.8. Owners may request to join the Scrapie Flock Certification Program after two (2) years of participation in the PEMMP. (11-12-02)T

27. Premises. The ground, area, buildings and equipment utilized to raise, propagate or control sheep and goats. (11-12-02)T

28. Quarantine. A written order, executed by the Board or the Administrator, to confine or hold animals on a premises or any other location, where found, and prevent movement of animals from a premises or any other location. (11-12-02)T

0529. Scrapie. A transmissible spongiform encephalopathy that is a nonfebrile, transmissible, insidious, degenerative disease affecting the central nervous system of sheep and goats. (3-19-99)

0630. Scrapie Exposed Animal. Any animal which has been in the same flock at the same time within the previous ~~sixty~~ seventy-two (60/72) months as a scrapie positive female animal excluding limited contacts. Limited contacts are contacts between animals that occur off the premises of the flock and do not occur during or ~~immediately~~ within sixty (60) days after parturition for any of the animals involved. (3-19-99)(11-12-02)T

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IDAHO DEPARTMENT OF AGRICULTURE Sheep and Goat Rules

Docket No. 02-0801-0301 Temporary and Proposed Rulemaking

~~431.~~ **Voluntary Scrapie Flock Certification Program.** A ~~national~~ cooperative Federal-State-Industry voluntary program for ~~classification of flocks relative to scrapie~~ reducing the incidence and controlling the spread of scrapie through flock certification. (3-19-99)(11-12-02)T

~~0832.~~ **Scrapie High Risk Animal.** An animal determined by epidemiologic investigation to face a high risk of developing clinical scrapie because the animal was: (11-12-02)T

~~a.~~ ~~Progeny of a scrapie-positive dam;~~ (11-12-02)T

~~b.~~ ~~Born in the same contemporary lambing group as a scrapie-positive animal, or was~~ (11-12-02)T

~~c.~~ ~~During any subsequent lambing season if born before the flock completes the requirements of a flock plan; or~~ (11-12-02)T

~~d.~~ ~~Born in the same contemporary lambing group as progeny of a scrapie-positive dam or any QQ, at codon 171, sheep present in the lambing facility/area where a scrapie-positive animal was born during the contemporary birth of a scrapie-positive animal.~~ (11-12-02)T

~~e.~~ Animals that fit the criteria for high risk animals which are determined by genetic testing to be QR or RR at the 171 codon, or are determined by other recognized testing procedures to pose no risk, may be exempted as high risk animals by the Board, upon the recommendation of the State Scrapie Certification Board, based upon evidence from the latest research information available. (3-19-99)(11-12-02)T

~~0833.~~ **Scrapie Infected Flock.** Any flock in which a scrapie-positive animal has been ~~identified by a state or federal animal health official~~ born, birthed or aborted. A flock will no longer be considered infected after an approved Flock Plan has been completed. (3-19-99)(11-12-02)T

~~0834.~~ **Scrapie-Positive Animal.** An animal for which a diagnosis of scrapie has been made by the National Veterinary Services Laboratories, ~~USDA,~~ or another laboratory authorized by state or federal officials to conduct scrapie tests ~~through histological examinations of central nervous system samples from the animal for microscopic lesions in the form of neuronal vacuoles or spongy degeneration; by the use of protease resistant protein analysis or other confirmatory techniques used in conjunction with histological examinations; or by other diagnostic procedures~~ approved for scrapie diagnosis by ~~USDA~~ APHIS or the Administrator. (3-19-99)(11-12-02)T

~~4035.~~ **Scrapie Source Flock.** A flock in which an animal was born and subsequently diagnosed as scrapie-positive at less than ~~fifty-four~~ seventy-two (5472) months of age. The flock will no longer be considered a source flock after the requirements of an approved Flock Plan have been completed. A single trace to a flock must meet the following criteria to designate the flock as a source flock: The scrapie-positive animal must: (3-19-99)(11-12-02)T

~~a.~~ Be identified with an ~~Idaho~~ Premises/Flock Identification Number, ~~on a tamper proof tag;~~ or on an official eartag, electronic device, ear tattoo, or flank tattoo which is correlated to the ~~Idaho~~ Premises/Flock Identification number on flock records; or (3-19-99)(11-12-02)T

~~b.~~ Be identified with a ~~DNA hereditary~~ genetic heredity test or nose print; or (3-19-99)(11-12-02)T

~~c.~~ Possess the original registry eartag or individual identification ear tag along with the movement, production, ~~and~~ or registry records indicating birth in the source flock; or (3-19-99)(11-12-02)T

~~d.~~ Be traced to the flock by a veterinary epidemiologist through a thorough epidemiological investigation of records and all other available evidence. (3-19-99)

36. State Animal Health Official. The Administrator, or his designee, responsible for disease control and eradication programs. (11-12-02)T

37. State Scrapie Certification Board. The State Scrapie Certification Board will consist of APHIS-AVIC, the State animal health official, animal producers and accredited veterinarians. Animal producers and

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accredited veterinarians will be appointed by the AVIC and the State animal health official. (11-12-02)T

38. Terminal Feedlot. As defined in Title 9 CFR, Parts 54 and 79. (11-12-02)T

39. Trace. All actions required to identify the flock of origin or destination of an animal. (11-12-02)T

011. ABBREVIATIONS.

01. APHIS. Animal Plant Health Inspection Service. (11-12-02)T

02. AVIC. Area Veterinarian in Charge. (11-12-02)T

03. CFR. Code of Federal Regulations. (11-12-02)T

04. ISDA. Idaho State Department of Agriculture. (11-12-02)T

05. NVSL. National Veterinarian Services Laboratory. (11-12-02)T

06. PEMMP. Post Exposure Monitoring and Management Plan. (11-12-02)T

07. UM&R. Uniform Methods and Rules. (11-12-02)T

08. USDA. United States Department of Agriculture. (11-12-02)T

09. VS. Veterinary Services. (11-12-02)T

012. APPLICABILITY.

These rules apply to all domestic sheep and goats located in, imported into, exported from, or transported through the state of Idaho. (11-12-02)T

013. OFFICIAL IN CHARGE OF SHEEP AND GOATS.

The Idaho Board of Sheep Commissioners is authorized to regulate all matters concerning sheep and goats. (11-12-02)T

014. -- 099. (RESERVED).

SECTION 100 HAS BEEN RENUMBERED AND MOVED TO SECTION 101.

0100. SHEEP AND GOATS STATE ENTRANCE REQUIREMENTS.

01- ~~State Entrance Requirements.~~ All ~~sheep~~ breeding ~~stock~~ sheep and goats stock entering the state of Idaho except as provided in ~~Subsections 010-103, and 010-105, and Subsections 200-0107 and 200-02~~ of these rules shall be accompanied by a permit issued by the Board together with a certificate of veterinary inspection certifying that such sheep or goats are free from scrapie, scabies, foot rot, or symptoms of any communicable disease and are not known to have been exposed to scrapie for at least seventy-two (72) months prior to the date of inspection, scabies for a period of at least six (6) months immediately prior to date of inspection and are not known to have been exposed to any communicable disease for at least thirty (30) days immediately prior to date of inspection. All ~~blackface~~ breeding ~~stock~~ sheep and goats with the exception of low-risk commercial goats imported into the state of Idaho shall be individually identified with an official USDA premises/flock identification tag number, electronic device, or legible tattoo or other form of individual identification approved by the Board. The individual premises/flock identification number shall be listed on the certificate of veterinary inspection. The original or true copy of the permit and certificate of veterinary inspection required by this rule shall be attached to the waybill covering such shipments. No sheep shall be shipped, trailed, or in any manner moved into the state of Idaho for any purpose if they originate in a state or area where sheep scabies is known to exist until the Board has been notified by the APHIS-~~USDA~~ that such state or area where sheep scabies is known to exist has been classified by the APHIS-~~USDA~~ as a sheep scabies eradication area. (3-19-99)(11-12-02)T

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SUBSECTIONS 010.02 THROUGH 010.05 HAVE BEEN RENUMBERED AND MOVED TO SECTIONS 102 THROUGH 105.

1001. PERMITS.

01. Request For Permits. Request for the permits required under Section ~~0100~~ shall be in writing, by telephone or facsimile and shall set forth the name and address of the owner of the animals offered for movement into the state of Idaho, the number and class of sheep and goats to be brought in, the destination, the name and address of the consignee, and the approximate date and place of entry. A copy of the permit, or permit number written on the face of the waybill or certificate of veterinary inspection accompanying movement, shall be shown to a representative of the Board or any law enforcement officer of the state, county, or municipality of the state of Idaho upon request.

~~(3-19-99)~~(11-12-02)T

02. Certificates Of Veterinary Inspection To Be Furnished. Copies of the certificates of veterinary inspection from the point of origin shall accompany the shipment and shall include a copy of the permit or the permit number written on the face of the certificate of veterinary inspection and shall be shown to a representative of the Board or any law enforcement officer of the state, county, or municipality of the state of Idaho upon request, and a copy forwarded to the Idaho Department of Agriculture, Division of Animal Industries, c/o Idaho Board of Sheep Commissioners, P.O. Box 7249, Boise, Idaho 83707 immediately after issuance for sheep and goats entering the state of Idaho.

(3-19-99)

03. Inspection Fees. An inspection fee of one hundred dollars (\$100) per incidence, plus mileage, shall be paid on all sheep and goats ~~entering or leaving the state that have failed to comply with the import or export regulations and~~ exported from or imported into Idaho in violation of these rules. Such incidences require an inspection of animals, certificates of veterinary inspection and permit.

~~(5-20-94)~~(11-12-02)T

04. Examination And Treatment Fees. The Board may assess a fee on sheep and goat producers who receive services from the Board or its representatives, such as examination and treatment of animals for diseases or parasites. The fees assessed shall not exceed the actual costs for the services rendered.

(3-19-99)

~~010.02~~ 102. SCABIES.

All sheep and goats, including rams and bucks, entering Idaho and which have originated in an area or areas in which scabies is known to exist within the past six (6) months shall be treated with a product approved by the APHIS-~~USDA~~ under the supervision of an authorized state or federal inspector or accredited veterinarian. At the time of shipment, such sheep or goats shall be accompanied by a permit from the Board and a certificate of veterinary inspection from the state of origin and also a treatment certificate showing that such sheep or goats have been treated at point of origin as herein required. Any and all shipments of sheep and goats entering Idaho, and which have originated in states where scabies is known to exist, shall be subject to a thirty (30) to sixty (60) day quarantine and inspection at the time of arrival at destination, and a second inspection at the time of quarantine release, or as often as it may be deemed necessary by the Board.

~~(3-19-99)~~(11-12-02)T

~~010.03~~ 103. ANIMALS IN TRANSIT.

Sheep and goats in course of transit through the state of Idaho, in trucks, or other vehicles from a point ~~without~~ outside the state of Idaho to another state or country, are not to be unloaded in Idaho except in pens designated by APHIS-~~USDA~~ for purpose of feed, water and rest for a period of time not to exceed ten (10) days, need not comply with ~~Subsection 010.0100~~, provided waybills or other documents accompanying the sheep or goats show origin and destination of such sheep and goats. Failure to have such waybills or other documents with the sheep or goats shall constitute a violation of these rules. The Board, however, may prohibit the transportation of any sheep or goats through the state it feels represents a threat to the general health and welfare of the Idaho sheep industry.

~~(3-19-99)~~(11-12-02)T

~~010.04~~ 104. MILK DAIRY GOATS.

All ~~milk~~ dairy type goats, including bucks, entering Idaho shall be accompanied by a permit issued by the Board, together with a certificate of veterinary inspection issued at point of origin by an authorized veterinarian, to which certificate of veterinary inspection there shall be attached a negative test chart for ~~b~~Brucellosis *melitensis*, conducted

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within thirty (30) days of the date of entry into the state of Idaho. The negative test chart shall be signed by the person in charge of the laboratory where the test was made and approved by the state ~~livestock sanitary~~ animal health official of the state of origin. Goats entering Idaho on a short term temporary basis for show or other temporary purposes may be exempted from having a negative test for ~~Brucellosis~~ melitensis completed, with permission from the Board.
(3-19-99)(11-12-02)T

~~010-05~~ **105. IMPORTATION OF SCRAPIE EXPOSED, SUSPECT AND HIGH RISK ANIMALS.**

Sheep and goats that are scrapie suspect, exposed, or high risk animals or from scrapie infected, source, or exposed flocks, as defined Title 9, Parts 54.1 and 79.1, Code of Federal Regulations, shall not be allowed entry into Idaho except as follows:
(11-12-02)T

01. Valid Permit. Scrapie suspect, exposed or high risk animals and animals from infected, source or exposed flocks may be imported directly to scrapie research facilities, or to approved slaughter establishments for immediate slaughter, or other destinations approved by the Administrator, if accompanied by a permit issued by the Board or its representative; and
(11-12-02)T

02. Officially Identified. The animals are individually identified by official identification tattoos, tags, or devices on a VS 1-27 or other approved movement document.
(5-20-94)(11-12-02)T

~~a. Program Standards. The USDA Voluntary Scrapie Flock Certification Uniform Methods and Rules, October 1, 1992, as amended in 1997; and Scrapie in Sheep and Goats, Title 9, Parts 54 and 79, Code of Federal Regulations, January 1, 1997, as amended, are hereby incorporated by reference as the minimum standards for the scrapie control and eradication program in Idaho. Copies of these documents are on file at the Idaho Department of Agriculture, Division of Animal Industries, 2270 Old Penitentiary Road, Boise, Idaho 83712 and through the Department of Administration, Office of the Rules Coordinator, located at 650 West State Street, Boise, Idaho 83720 and are available upon request.~~
(3-19-99)

~~b. Importation of Exposed, Suspect and High Risk Animals. Sheep and goats that are scrapie suspect, exposed or high risk animals or from scrapie infected, source, trace or exposed flocks, as defined in the Voluntary Scrapie Flock Certification Uniform Methods and Rules, and Scrapie in Sheep and Goats, Title 9, Parts 54 and 79, Code of Federal Regulations, shall not be allowed entry into Idaho except as follows: Scrapie suspect, exposed or high risk animals and animals from infected, source, trace or exposed flocks may be imported directly to approved scrapie research facilities, approved slaughter facilities for immediate slaughter or to approved feedlots for finish feeding for slaughter only, if accompanied by a permit issued by the Board or its representative; and the animals are individually identified by official identification tattoos, tags, or devices on a VS 1-27 or other approved movement document. Each such animal shall also be identified with an indelible "S" mark at least one inch high on the left jaw.~~
(3-19-99)

106. IDAHO ORIGIN SHEEP INTERSTATE GRAZING PERMIT.

Idaho origin, low-risk commercial sheep breeding stock with no history of scrapie exposure returning to Idaho from seasonal grazing in other states may return to Idaho without a certificate of veterinary inspection if they are accompanied by an Idaho Origin Sheep Interstate Grazing Permit and a waybill. The Idaho Origin Sheep Interstate Grazing Permit is to be obtained from the Board.
(11-12-02)T

~~20~~**107. INTERSTATE SHIPMENTS.**

01. Waybill Requirement. All ~~feeding and breeding~~ sheep and goats leaving the state of Idaho by any common carrier, by railroad, truck, private conveyance, or any kind of transportation shall be accompanied by a waybill, stating the owner's name and indicating destination of sheep or goats, or shall be accompanied by a certificate of veterinary inspection issued by an inspector appointed by the Board or a representative of the APHIS-~~USDA~~, or accredited veterinarian; said certificates of veterinary inspection to be dated not more than ten (10) days prior to date of movement, and shall comply with the rules for the state of destination.
(3-19-99)(11-12-02)T

02. Waybill Violation. Failure to have such waybills or other documents ~~with~~ accompanying the sheep or goats shall constitute a violation of these rules and shall be punishable as provided in Section 3900.
(5-5-80)(11-12-02)T

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03. Carriers. No common or contract carrier or owner or caretaker shall unload any sheep or goats within the state of Idaho from other states or country, other than as provided in ~~Subsections 010-103, and 010-105, 106, and Section 200 107,~~ of these rules, unless such shipments be accompanied by an Idaho Origin Sheep Interstate Grazing Permit issued by the Board or other permit issued by the Board, and the official certificate as provided herein. The original or true copy of each certificate with permit shall be attached to the waybill covering such shipments or be in possession of the owner or caretaker of shipment. (3-19-99)(11-12-02)T

04. Who May Inspect. ~~Regularly a~~ Authorized state or federal inspectors and ~~duly licensed and~~ accredited veterinarians may inspect sheep and goats. (5-5-80)(11-12-02)T

05. ~~Official In Charge Of Sheep And Goats.~~ ~~Idaho Department of Agriculture, Division of Animal Industry, Idaho Board of Sheep Commissioners, PO Box 7249, Boise, Idaho 83707.~~ (3-19-99)

1048. -- 199. (RESERVED).

FORMER SECTION 200 HAS BEEN RENUMBERED AND MOVED TO SECTION 107

2040. SCRAPIE PROGRAM STANDARDS, SCRAPIE FLOCK CERTIFICATION, SCRAPIE CONTROL AND ERADICATION.

01. ~~Scrapie Certification Program.~~ The Board adopts the provisions of the Voluntary Scrapie Flock Certification ~~Uniform Methods and Rules Program Standards,~~ which were effective ~~October~~ July 1, 1992~~9,~~ and ~~amended in 1997~~ 9 CFR, Parts 54.1, 54.2, 54.8, 54.9, 54.10, 54.11, 54.20, 54.21, 54.22 and 79, January 1, 2002, as the minimum standards for the scrapie certification program in Idaho. (3-19-99)(11-12-02)T

02 201. IDENTIFICATION OF ~~BLACKFACE~~ BREEDING SHEEP.

01. ~~Assignment Of APHIS Approved Idaho Premises/Flock Identification Numbers.~~ The Board or its designee shall ~~designate the form and content of the Idaho~~ assign APHIS-approved Idaho premises/flock identification numbers, ~~approve identification devices for utilization of the flock identification number, assure availability of flock identification devices, and assign Idaho flock identification numbers to owners or possessors of blackface breeding stock~~ with unique individual animal identification numbers to Idaho sheep and goat flocks/herds. (3-19-99)(11-12-02)T

02. ~~Responsibility For Identification.~~ Owners and possessors of ~~blackface~~ breeding ~~stock~~ sheep and goats shall bear the cost and responsibility of obtaining the identification devices and placing the device in or on the animal. (3-19-99)(11-12-02)T

03. ~~Time Of Identification.~~ All owners or possessors of ~~blackface~~ breeding ~~stock~~ sheep and goats in Idaho shall identify all ~~blackface~~ breeding stock in the flock ~~which are one (1) year of age or older with an Idaho flock identification number. Blackface breeding stock of any age shall be identified~~ with a premises/flock identification number before transfer of ownership or possession, show, sale, or other movement unless the animals are under eighteen (18) months of age and are in slaughter channels. (3-19-99)(11-12-02)T

04. ~~Importation Identification.~~ ~~Blackface b~~ Breeding ~~stock~~ sheep or goats imported into the state shall be identified with a premises/flock identification number ~~within ninety (90) days of before~~ entry into the state. (3-19-99)(11-12-02)T

e. ~~Blackface breeding stock of any age shall be identified with a flock identification number prior to movement of such sheep from the premise of origin for show, sale, purchase or other movement.~~ (3-19-99)

05. ~~Loss Of Identification.~~ ~~Blackface b~~ Breeding ~~stock~~ sheep or goats sold within the state shall retain the original premises/flock identification number. In the event an animal loses a premises/flock identification device, the owner of the animal shall re-identify the animal with his or her flock identification number and shall maintain records to document the original and new flock identification numbers. (3-19-99)(11-12-02)T

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g06. Acceptable Identification. Acceptable devices for application of the premises/flock identification number to ~~blackface~~ breeding ~~stock~~ sheep and goats shall include: ~~tamper proof~~ APHIS-approved ear tags bearing the premises/flock identification number, legible tattoos bearing the premises/flock identification number, ~~electronic devices with owner records correlated to the flock identification number,~~ approved ~~voluntary~~ Scrapie ~~Flock e~~Certification ~~p~~Program identification devices, except electronic identification, and other identification devices approved by ~~the Board~~ APHIS except electronic identification. (3-19-99)(11-12-02)T

h07. Identification Exemption. ~~Blackface a~~Animals exempt from the requirement for identification with a premises/flock identification number shall include: (3-19-99)(11-12-02)T

i a. Neutered animals under eighteen (18) months of age. (3-19-99)(11-12-02)T

ii b. Sexually intact market lambs ~~consigned~~ under eighteen (18) months of age shipped directly to an approved slaughter facility establishment or consigned shipped directly to an approved lamb feedlot for finish feeding for slaughter only. Animals in approved feedlots may be removed only to approved slaughter facilities or other approved feedlots. (3-19-99)(11-12-02)T

iii c. Lambs under (1) one year of age that have not been sold or transferred to the possession of another person or entity. Animals which have not been removed from their premises of origin and/or transferred ownership with the exception of white-face low-risk range sheep as defined in the 9 CFR Part 79 which are moved for grazing or other management purposes and do not change ownership. (3-19-99)(11-12-02)T

iv d. Lambs under ninety (90) days of age accompanied by their dams, which are identified with a flock identification number, may be sold or transferred to the possession of another without being identified with a flock identification number. Castrated or low-risk commercial goats. (3-19-99)(11-12-02)T

e. Registered sheep and goats accompanied by registration papers or a certificate of veterinary inspection with legible unique registration tattoos. (11-12-02)T

f. Goats registered with a National Goat Registry that allows for electronic implant identification, as recorded on a registration certificate, may be identified with an electronic implant. (11-12-02)T

FORMER SECTION 202 HAS BEEN RENUMBERED AND MOVED TO SECTION 400

03 202. QUARANTINE.

Infected and source flocks or flocks that have received high risk animals shall be placed and held under quarantine until the infected or high risk animals have been slaughtered or depopulated, an approved Flock Plan has been completed and the flock has qualified for and has been enrolled in the Voluntary Scrapie Flock Certification program is participating in a Post Exposure Monitoring Program. Flocks not participating in the certification program that do not participate in a Post Exposure Monitoring Program shall remain under quarantine until the entire flock has been depopulated. Flocks which are removed from the Post Exposure Monitoring Program before the agreed time will be requarantined. (3-19-99)(11-12-02)T

FORMER SECTION 203 HAS BEEN RENUMBERED AND MOVED TO SECTION 500

04 203. RESTRICTION OF ~~EXPOSED~~ HIGH-RISK ANIMALS.

Scrapie exposed flocks and High-risk animals from exposed flocks shall be placed under a hold order quarantine when the flock or animals are determined to be exposed. An epidemiological investigation will be conducted on the flock or animals to determine the risk of infection with scrapie. The flock or animals will be maintained under hold order quarantine until the flock has fulfilled Section III of is in compliance with the Scrapie Uniform Methods and Rules in effect or until the scrapie epidemiologist has determined that the flock or animals do not pose a substantial risk to other flocks. (5-20-94)(11-12-02)T

05 204. MOVEMENT OF RESTRICTED ANIMALS.

Animals from infected and source flocks and high risk animals may be moved from quarantined premises only under

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the following conditions:

(3-19-99)

~~¶01.~~ **Individually Identified On Approved Document.** The animals are individually identified on a VS 1-27 form or other approved document, by official eartags, tattoos or devices; ~~or~~ (5-20-94)(11-12-02)T

~~¶02.~~ **Indelibly Marked.** The animals are indelibly marked with an "S" at least one (1) inch high on the left jaw; ~~and~~ (5-20-94)(11-12-02)T

~~¶03.~~ **Consigned Directly To Approved Destination.** The animals are consigned directly to an approved slaughter facility for immediate slaughter or to ~~an approved~~ terminal feedlot for finish feeding for slaughter only; ~~Animals in approved feedlots may be removed only to approved slaughter facilities or other approved feedlots; or~~ (5-20-94)(11-12-02)T

~~¶a.~~ The animals are consigned directly to an approved livestock market for sale directly to an approved slaughter facility for immediate slaughter or to ~~an approved~~ feedlot for finish feeding for slaughter only. The animals must be individually identified on a VS 1-27 form or other approved document for movement from the approved livestock market to final destination; ~~or~~ (5-20-94)(11-12-02)T

~~¶b.~~ The Board or its representative may, by written permission, allow the animals to be moved, under quarantine, to other pre-approved locations. The animals may be moved in sealed vehicles or be accompanied in transit by representatives of the Board in lieu of individual identification. Animals so moved shall be retained under quarantine at the new location. (3-19-99)

~~204. -- 249.~~ **(RESERVED).**

FORMER SECTION 250 HAS BEEN RENUMBERED AND MOVED TO SECTION 600

~~250.~~ -- 299. **(RESERVED).**

FORMER SECTION 300 HAS BEEN RENUMBERED AND MOVED TO SECTION 900

300. CERTIFIED BRUCELLA OVIS FREE FLOCK.

301. BRUCELLA OVIS FREE FLOCK PROGRAM STANDARDS.

Flocks can be certified as *Brucella ovis* free by the Board under the following circumstances: (11-12-02)T

01. Flocks From Which Rams Are Not Leased, Rented Or Loaned: (11-12-02)T

a. One (1) negative *Brucella ovis* ELISA test annually for two (2) years on all rams over six (6) months of age exposed to the ewe flock. (11-12-02)T

b. Any new ram over six (6) months of age entering the flock for breeding purposes must be tested after sixty (60) days of purchase and test negative. (11-12-02)T

02. Flocks From Which Rams Are Leased, Rented Or Loaned: (11-12-02)T

a. One (1) negative *Brucella ovis* ELISA test annually for two (2) years on all rams over six (6) months of age exposed to the ewe flock. (11-12-02)T

b. All sexually active rams which leave the owners premises and return must be tested after sixty (60) days of sexual rest and test negative on a *Brucella ovis* test. (11-12-02)T

c. An positive test cancels the certification status. The certification process may be restarted after all sexually active males on the premises test negative. (11-12-02)T

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- 03. Suspect Results:** (11-12-02)T
- a.** A suspect result requires isolation of the individual ram; and (11-12-02)T
- b.** A suspect result requires a retest in thirty (30) days. (11-12-02)T
- 04. Approved *Brucella Ovis* Tests:** (11-12-02)T
- a.** Tests must be performed by a laboratory approved by the board; and (11-12-02)T
- b.** Blood samples must be taken and sent to the approved laboratory by a licensed, accredited veterinarian; and (11-12-02)T
- c.** Tests must be an approved ELISA test for *Brucella ovis*. (11-12-02)T
- ~~3042.~~ -- ~~3499.~~ (RESERVED).

SECTION 350 HAS BEEN RENUMBERED AND MOVED TO SECTION 700

~~202400.~~ CONDEMNATION AND DESTRUCTION OF DISEASED ANIMALS OR FLOCKS.

01. Animals Or Flocks Infected. Animals or flocks determined by representatives of the Board or ~~USDA~~ APHIS to be infected with scrapie or other contagious, infectious, or communicable diseases which have been identified by the Board to be diseases of concern to human health or the ~~sheep or goat~~ livestock industry of the state may be condemned by order of the Board. (3-19-99)(11-12-02)T

02. Animals Or Flocks Condemned. Animals or flocks condemned by order of the Board shall be destroyed or otherwise disposed of as directed by order of the Board and under the conditions set by the Board. (3-19-99)

~~401.~~ -- ~~499.~~ (RESERVED).

~~203500.~~ INDEMNIFICATION.

01. Owners, Individuals, Partnerships, Corporations Or Other Legal Entities. Owners, individuals, partnerships, corporations or other legal entities whose animals or flocks have been destroyed or otherwise disposed of by order of the Board may be eligible for indemnification in the form of cash payment from the Sheep and Goat Disease Indemnity Fund for all or part of the value of the animals destroyed or otherwise disposed of and for the actual cost for burial or disposal of animal carcasses. (3-19-99)

02. Indemnity Payments Paid. Indemnity payments shall be paid only to an owner of sheep or goats that were born in the state of Idaho or were imported into the state in compliance with existing Idaho statutes and rules promulgated thereunder. (3-19-99)

03. Amount Of Indemnity To Be Paid For Each Animal. The amount of indemnity to be paid for each animal shall be determined by the Board and shall not exceed the difference between the appraised price, less federal indemnity, and the salvage value of the animal. In the event federal indemnity is not available the amount of indemnity shall not exceed the difference between the appraised price and salvage value. (3-19-99)

04. Appraisals. Appraisals shall be performed by a team comprised of an Animal Health representative, the owner, and a person with experience in sheep or goat marketing. (11-12-02)T

~~045.~~ Maximum Amount Of Indemnity. The maximum amount of indemnity for each animal shall not exceed: (3-19-99)

- a.** Ewes or does one (1) year of age or older - two hundred dollars (\$200) per head. (3-19-99)

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b. Rams or ~~billies~~ bucks one (1) year of age or older - four hundred dollars (\$400) per head.
(~~3-19-99~~)(11-12-02)T

c. Lambs or kids under one (1) year of age - current market price per pound with a maximum of one hundred dollars (\$100) per head. (3-19-99)

056. Indemnity Payment Upon Approval Of Appraisal. Upon approval of the appraisal by the Board, one-half (1/2) of the indemnity payment will be paid at that time. The other one-half (1/2) of the indemnity payment, or the prorated portion thereof, will be paid at the end of the fiscal year. Indemnity payments shall be paid in their entirety in a single fiscal year and shall not exceed the amount in the fund.
(~~3-19-99~~)(11-12-02)T

501. -- 599. (RESERVED).

25600. CLEANING AND DISINFECTION.

Barns, sheds, stockyards, trucks, aircraft, ferryboats and other vehicles, feed yards, stables, pens, corrals, lanes and premises which have been used in confining, trailing, or transporting any sheep or goats affected or infected with any contagious, infectious or communicable diseases, shall be cleaned and disinfected under state or federal supervision as directed by the Board or an authorized representative of the Board, and the owner of such premises, conveyances, or carrier shall be responsible for such cleaning and disinfecting. (3-19-99)

601. -- 699. (RESERVED).

35700. SHEEP RULES ASSESSMENTS.

The following rules shall apply to all sheep. (~~5-5-80~~)(11-12-02)T

01. Payment Of Assessment. The owner of sheep on July 1st of the assessment year shall be responsible for the payment of the assessment levied by the Boards as provided for in Section 25-130 and 25-131, Idaho Code. The rate of assessment shall be six cents (\$.06) per pound on all wool, in the grease basis, except tags, crutchings, and dead wool. (3-18-99)

02. Assessment As Resident Sheep. The assessment shall be levied and assessed to the producer at the time of the first sale of wool and shall be deducted by the first purchaser from the price paid to the producer at the time of such sale. (5-5-80)

03. Migratory Sheep. In the event that a sheep, which produces wool subject to this assessment, shall be located outside the state of Idaho during a part of the assessment year, the amount of the assessment shall be reduced on a pro rata basis. A grower will be required to request a pro rata adjustment in writing to the Board. (3-19-99)

04. Costs Of Collection. All costs of collection of delinquent assessments shall be borne as an additional charge against the delinquent assessee first purchaser. (7-1-93)

35701. -- 9899. (RESERVED).

3200. VIOLATIONS.

Any person, company, corporation or association or any agent, servant or employee of such, who shall violate or disregard any of these sheep and goat rules or any other sanitary or quarantine rule, order of the Board or inspector thereof shall be deemed guilty of a misdemeanor and upon conviction be fined not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000) for each offense. (3-19-99)

901. -- 999. (RESERVED).

2004 - Agriculture Senate Pending Rule (Yellow)

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

02.08.01 - SHEEP AND GOAT RULES OF THE IDAHO BOARD OF SHEEP COMMISSIONERS

DOCKET NO. 02-0801-0301

NOTICE OF RULEMAKING

PENDING RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is July 15, 2003. The pending rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended, or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Title 25, Chapter 1, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and amending the existing temporary rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for any change.

The proposed rules have been amended in response to public comments, and to make typographical, transcriptional, and clerical corrections to the rules, and are being amended pursuant to Section 67-5227, Idaho Code. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Idaho Board of Sheep Commissioners amended the temporary rule with the same revisions that have been made to the proposed rule.

This pending rule adds Section 014, Additional Import Requirements; and amends the following Section: 301, *Brucella Ovis* Free Flock Program Standards.

Only the Sections that have amendments are printed in this bulletin. The original text of the proposed rule was published in the January 1, 2003 Idaho Administrative Bulletin, Volume 03-1, pages 33 through 45.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Stan Boyd, Idaho Sheep Commission, at (208) 334-3115 or John Chatburn, Idaho State Department of Agriculture, at (208) 332-8540.

DATED this 21st day of May, 2003.

Stanley T. Boyd, Executive Secretary
Idaho Sheep Commission
802 W. Bannock St., Ste. 205
P.O. Box 2596, Boise, ID 83701
(208)-334-3115 / (208)-336-9447 FAX

IDAPA 02, TITLE 08, CHAPTER 01

SHEEP AND GOAT RULES OF THE IDAHO BOARD OF SHEEP COMMISSIONERS

2004 - Agriculture Senate Pending Rule (Yellow)

There are substantive changes from the proposed rule text.

Only those sections that have changed from the original proposed text are printed in this Bulletin following this notice.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-1, January 1, 2003, pages 33 through 45.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 02-0801-0301

014. ADDITIONAL IMPORT REQUIREMENTS.

The Board may impose additional or more restrictive import requirements than the requirements in this chapter by issuing a written order stating the additional requirements and the reasons for the requirements. (7-15-03)T

0145. -- 099. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

301. BRUCELLA OVIS FREE FLOCK PROGRAM STANDARDS.

Flocks ~~can~~ may be certified as *Brucella ovis* free by the Board under the following circumstances:

(11-12-02)F(7-15-03)T

01. Flocks From Which Rams Are Not Leased, Rented Or Loaned: (11-12-02)T

a. One (1) negative *Brucella ovis* ELISA test annually for two (2) years on all rams over six (6) months of age ~~exposed to the ewe flock.~~ (11-12-02)F(7-15-03)T

b. Any new ram over six (6) months of age entering the flock for breeding purposes must be tested after sixty (60) days of purchase and test negative. (11-12-02)T

02. Flocks From Which Rams Are Leased, Rented Or Loaned: (11-12-02)T

a. One (1) negative *Brucella ovis* ELISA test annually for two (2) years on all rams over six (6) months of age ~~exposed to the ewe flock.~~ (11-12-02)F(7-15-03)T

b. All sexually active rams which leave the owners premises and return must be tested after sixty (60) days of sexual rest and test negative on a *Brucella ovis* test. (11-12-02)T

c. ~~An positive test cancels the certification status. The certification process may be restarted after all sexually active males on the premises test negative.~~ (11-12-02)F

03. Suspect *Brucella Ovis* ELISA Positive Test Results. A positive test result cancels *Brucella Ovis* Free certification status. The certification process may be restarted after the following conditions have been met:

(11-12-02)F(7-15-03)T

2004 - Agriculture Senate Pending Rule (Yellow)

IDAHO DEPARTMENT OF AGRICULTURE
Sheep and Goat Rules

Docket No. 02-0801-0301 - Pending Rule
Amendment to Temporary Rule

a. ~~A suspect result requires isolation of~~ The individual ram that has a positive test result is held in
isolation; and ~~(11-12-02)F~~(7-15-03)T

b. ~~A suspect result requires a~~ Is retested ~~in~~ at least thirty (30) days- after, but not more than sixty (60)
days after the initial positive test; and ~~(11-12-02)F~~(7-15-03)T

c. All rams that have a second positive test result are either castrated, slaughtered, or sold for
slaughter only. (7-15-03)T

04. Approved *Brucella Ovis* Tests: (11-12-02)T

a. Tests must be performed by a laboratory approved by the board; and (11-12-02)T

b. Blood samples must be taken and sent to the approved laboratory by a licensed, accredited
veterinarian; and (11-12-02)T

c. Tests must be an approved ELISA test for *Brucella ovis*. (11-12-02)T

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